United Nations A/51/PV.75

General Assembly

Fifty-first Session

Official Records

75th plenary meeting
Friday, 6 December 1996, 10 a.m.
New York

President: Mr. Razali Ismail . . . . . (Malaysia)

The meeting was called to order at 10.10 a.m.

Agenda item 41 *(continued)*

Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Report of the Secretary-General (A/51/512)

Draft resolution (A/51/L.20/Rev.1)

The President: This morning, the General Assembly will resume its consideration of agenda item 41, for the purpose of taking action on draft resolution A/51/L.20/Rev.1.

We shall now proceed to consider draft resolution A/51/L.20/Rev.1. The additional sponsors of the draft resolution are the Congo, France, Iceland and Norway.

The General Assembly will now take a decision on draft resolution A/51/L.20/Rev.1.

May I take it that the Assembly decides to adopt draft resolution A/51/L.20/Rev.1?

Draft resolution A/51/L.20/Rev.1 was adopted (resolution 51/31).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 41?

It was so decided.

Agenda item 44 *(continued)*

Implementation of the United Nations New Agenda for the Development of Africa in the 1990s

Report of the Ad Hoc Committee of the Whole of the General Assembly for the Mid-term Review of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s (A/51/48)

Report of the Secretary-General (A/51/228 and Add.1)

Draft resolution (A/51/L.31)

The President: We shall now proceed to consider draft resolution A/51/L.31. The additional sponsors of the draft resolution are Belize, Colombia, Djibouti, the Dominican Republic, Ecuador, Haiti, Iceland, the Islamic Republic of Iran, Israel, Jamaica, Kazakstan, Mauritania, Monaco, Myanmar, Nepal, New Zealand, the Republic of Moldova, Samoa, Senegal, Slovakia, Solomon Islands, Sudan, Vanuatu and Zaire.

The Assembly will now take a decision on draft resolution A/51/L.31.

May I take it that the Assembly decides to adopt draft resolution A/51/L.31?

96-87010 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Draft resolution A/51/L.31 was adopted (resolution 51/32).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 44?

It was so decided.

Agenda item 162

Proclamation of 7 December as International Civil Aviation Day

Draft resolution (A/51/L.42)

The President: I call on the representative of Canada to introduce draft resolution A/51/L.42.

Mr. Holmes (Canada): It is my honour to introduce draft resolution A/51/L.42, entitled "Proclamation of 7 December as International Civil Aviation Day", on behalf of the delegations of Argentina, Australia, the Bahamas, Bahrain, Bangladesh, Bolivia, Cape Verde, Chile, Colombia, Côte d'Ivoire, the Czech Republic, Egypt, France, Guyana, Iceland, India, Italy, Jamaica, Japan, Lithuania, Malta, Mauritania, Mauritius, Mexico, Panama, Peru, the Republic of Korea, the Republic of Moldova, the Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Thailand, Turkey and Venezuela, as well as Canada.

The International Civil Aviation Organization (ICAO) celebrated its fiftieth anniversary on 7 December 1994. That date marked the fiftieth anniversary of the signing of the Convention on International Civil Aviation, done at Chicago in 1944. As part of its commemorative activities, ICAO declared that, each year, 7 December should be celebrated as International Civil Aviation Day. Since 1994, activities have been held at ICAO in Montreal and in countries around the world to mark this important event.

International civil aviation is of fundamental importance to the world. It facilitates human interaction, thereby promoting peace, friendship and understanding. Each year, over 1.3 billion people use civilian aircraft as a means of transportation. This number represents over 25 per cent of the world's population. Thanks to the efforts of ICAO, governments and the private sector, civil aviation remains the safest mode of public transportation. Civil aviation is also increasingly important for the world's economic, social and cultural development. In the last 50 years, over 350 million tons of freight have been carried by the more than 1,200 commercial airline companies worldwide. Airlines carry business persons, tourists, representatives of governments and international organizations and many others, all of whom contribute in some way to improving our lives.

ICAO plays a critical role in the development of international civil aviation, particularly in ensuring the safe utilization of the world's airways. Canada is proud to be the host country for ICAO. Yesterday, the Prime Minister of Canada acknowledged the important contribution to the world of international civil aviation and ICAO at a ceremony marking the opening of the new ICAO headquarters in Montreal.

(*spoke in French*)

The importance of civil aviation to the world should be recognized and celebrated. For this reason, the sponsors of today's draft resolution are proposing that the United Nations declare 7 December as International Civil Aviation Day. The draft resolution urges Governments as well as relevant national, regional, international and intergovernmental organizations to take appropriate steps to observe this occasion. The sponsors wish to confirm that the adoption of this draft resolution would not have budget implications.

On behalf of the sponsors, the delegation of Canada expresses its hope that this draft resolution can be adopted by consensus.

The President: The Assembly will now take a decision on draft resolution A/51/L.42.

May I take it that the Assembly decides to adopt draft resolution A/51/L.42?

Draft resolution A/51/L.42 was adopted (resolution 51/33).

The President: I call on the representative of the United Kingdom to speak in explanation of position on the resolution just adopted.

Mr. Wilson (United Kingdom): My delegation did not stand in the way of the adoption of this resolution without a vote. However, this Organization does have established guidelines with regard to the holding of international years and anniversaries and we should keep to them.

In the view of my delegation, this present decision for the holding of an International Civil Aviation Day does not fall within these guidelines, which are set out in the annex to Economic and Social Council resolution 1980/67. My delegation is also of the view that the interpretation, printing and other associated costs that will be incurred as a result of this resolution are not a use of the scarce resources of the United Nations that we would wish to support, particularly in view of the current financial crisis of the Organization.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 162?

It was so decided.

Agenda item 103

Advancement of women

Observance of the International Day for the Abolition of Slavery: discussion of the problem of trafficking in human persons, especially women and children

The President: The General Assembly, pursuant to resolution 50/167 of 22 December 1995, and in connection with the observance of the International Day for the Abolition of Slavery, will now hold a discussion of the problem of trafficking in human persons, especially women and children.

Our world is a bewildering place: full of creative and humane potential, and yet so brutal. Such morbid reflection is appropriate today as we commemorate the International Day for the Abolition of Slavery and consider the trafficking of women and girls.

A defining characteristic of these modern times is the movement of vast numbers of people across national boundaries. The relative affordability of international travel and the opening up of formerly closed frontiers have facilitated these movements. At the same time, environmental degradation and socio-political instability have caused internal displacement and increased refugee flows. The harsh reality of poverty and deprivation, punctuated by dreams of a better life in richer countries — made tantalizingly clear via modern communications — have spurred individuals to migrate, either permanently or on a temporary basis.

Unlike in earlier times, women are now more commercially active and relatively free to travel. Women therefore constitute a large proportion of these would-be immigrants. Most countries see the increase in movements of people as a threat and have rushed to put rigid immigration controls in place. These controls have had a serious adverse impact by limiting opportunities and restricting options for legal migration.

All these various factors have combined to create a widespread pattern of illegal immigration flows. These flows of people are usually facilitated by unscrupulous people, who organize the transit in return for huge profits. Such is the desperation of their existing situation that many illegal immigrants are, in fact, willing participants in their transit. They are prepared to endure hardship and live on the promise of a more secure future. For some, this hard struggle is eventually repaid by greater financial and personal security. For most, the initial hardship only begets further exploitation and misery. The chains of debt, bondage and servitude often add to the burden of their illegal status and prevent them from seeking protection in their new country of residence.

One part of the spectrum of the illegal transit of people concerns the trafficking of women and children. Normally, this heinous trade in human beings is driven by sexual exploitation. Forced labour, forced marriage and forced adoption are also to blame. Victims may be abducted, compelled by violence or blackmailed. Victims may be deceived by promises of marriage, employment or greater income for themselves and their families. The most tragic cases are those in which the victims are sold and trafficked with the complicity of parents, relatives and people known to them. Young children are the major victims of such desperation. Girls are most vulnerable because their low status and so-called sexual desirability usually merge with traditional practices, such as child marriage.

Trafficking in women and children is not a novel practice. The issue has been of grave concern to the international community for decades. For example, measures to address the trafficking of women for the purposes of sexual exploitation were the subject of one of the first multilateral human rights agreements, as far back as 1904, with the International Agreement for the Suppression of the White Slave Traffic. This was drafted to prevent the export of prostitutes from Europe to brothels in various parts of the colonial empire. An International Convention with the same name was

completed in 1910. The traffic in women and children was considered so important that it was included in the Covenant of the League of Nations and resulted in two international treaties. One of the early priorities of the United Nations was the preparation of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This Convention was adopted on 2 December 1949, the anniversary of which we recall today.

Trafficking is an illegal and clandestine practice. It is therefore virtually impossible to estimate the actual numbers of women and children affected, although available figures suggest that the problem is growing in all corners of the globe. No region is spared. Significantly, the most reliable data are available from those countries where trafficking in women has been the focus of a specific policy. Most victims have been tricked into working as prostitutes or in sex-related businesses. Accurate information on the incidence of trafficking in children is even more fragmented. However, one fact remains uncontroversial: A greater number of younger girls are absorbed into the commercial sex trade where adult female prostitution exists.

Even more disheartening are indications of a growing demand by male clients for sexual activity with very young girls and virgins. This trend is probably associated with the HIV/AIDS pandemic and with dangerous delusions that young girls are less likely to be infected with HIV.

Why does such a vile phenomenon continue to persist? Not surprisingly, rampant greed that exploits the vulnerable for quick profit is fundamental to the problem. Trafficking is a highly profitable business. Victims are powerless and unlikely to protest, as they themselves are caught up in the web of illegality. Thus, the illicit trade poses fewer risks for the trafficker.

It is ironic that, as globalization and market forces have been accepted as the keystones of greater freedom and prosperity, our most vulnerable women and children have themselves fallen victim to the global zeal for commodification. Women and children are being transformed into marketable objects to satisfy any and every demand. Not only are they exploited as bonded labour in conditions reminiscent of medieval slavery, but they are manipulated as objects for sexual gratification. Nothing exemplifies this perversity more than the modern phenomenon of "sex tourism" and the catalogues of children that are available for paedophiles and even accessible on the Internet.

Trafficking in women and children, for whatever purpose, constitutes one aspect of gross exploitation and the denial of guaranteed human rights. Such abuses remain very much a part of our world, despite the efforts of nations, through the United Nations, to carve out a vision of humanity endowed with universal values and inalienable rights. Trafficking and its attendant abuse and exploitation are crimes that reinforce the subordination of women and children.

The international community and national governments have not ignored trafficking in women and children. An array of international treaties and a substantial framework of differing approaches have been developed to tackle the problem. And yet, despite all these efforts, this organized crime continues. Many reasons can be advanced to explain this. Like most other global issues considered by the United Nations, the international community is proficient at defining and analyzing the problems of our time, but seems less able to prevent and resolve them. Solutions are of course easier to prescribe and more difficult to implement. But if we are to reach for a vision of human dignity that is universal, we must make concerted efforts to root out the fundamental causes that perpetuate such misery. Political will and social responsibility are essential ingredients of these solutions.

The persistence and apparent growth of the traffic in women and children serve as a reproach to our age. This traffic is nothing short of modern slavery and is an affront to humanity. As such, it should be treated with the abhorrence and moral outrage it deserves. All members of society must share in the responsibility to eliminate the exploitation of women and children in this manner. Only through such collective mobilization will the local, national, regional and international criminal trafficking networks be dismantled. Of primary importance are actions aimed at eliminating the gender discrimination and persistent poverty that drive the trafficking in the first place. The international legal framework is in place and should be implemented and utilized. Law enforcement authorities and social service providers must increase their coordination and emphasize preventive measures, such as better health and education.

Perhaps more important than all these are efforts needed to extinguish the shame of victims, which enables the trafficker to hide behind a cloak of secrecy and security. It is incumbent on every society and human person to ensure that the commodification and abuse of the vulnerable, the young and the helpless have no place

in our world. Each of us must step forward to guarantee the fundamental rights of those who have lost theirs.

I now call on the Secretary-General.

The Secretary-General: On 2 December 1949, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others entered into force. It is entirely fitting that the General Assembly should devote today's meeting, on the occasion of the International Day for the Abolition of Slavery, to consideration of the global trade in human beings and, in particular, of the traffic in women and children.

Slavery is an evil which the world has rightly outlawed and condemned. It is the most shameful, degrading exploitation of human beings by other human beings. And yet, in early times slavery was an institution, an accepted part of the cultural, economic and political framework of many States. The abolition of slavery in the States where it once existed inaugurated the welcome eradication of a barbaric and inhumane practice.

On the eve of the twenty-first century, however, the international community must recognize that slavery is far from dead. On the contrary, it is very much alive. The grim reality of modern slavery requires the world community to remain ever vigilant. We must be strong in our commitment to uphold and to implement the 1926 and 1956 slavery Conventions in full. We must rededicate ourselves to the abolition of slavery in all its forms.

Today, tens of millions of people all over the world are living in slavery. In some countries, hidden slavery has still not disappeared. In others, new forms, such as debt bondage and forced labour, have become commonplace.

There can never be any excuse for the forced labour of children, for the sexual and physical abuse of servants and for the sale of women and children into prostitution.

The traffic in human beings has become a serious challenge to the entire international community. The traffic in persons is now a highly organized and international trade with links to organized crime. It is a trade which mainly affects young women and girls. It can lead to prostitution, forced domestic service and pornography. In the late twentieth century, this situation is simply intolerable.

Today, we have a public opportunity to rededicate ourselves to fighting the traffickers and to ending their shameful trade.

The realities of trafficking are stark. Physical force and abuse are widespread. Victims are often misled by promises of honest, well-paid work. They can all too easily find themselves prisoner in a foreign country with no means of support and no appeal to law. The vast majority of victims of trafficking have been placed in debt bondage by their parents, husbands or friends or are tricked or forced into it.

The mail-bride industry has induced many women into leaving their country of origin in search of a secure family life. This dream of a better future can so often turn into the nightmare of forced prostitution in a foreign land.

Women and girl victims of prostitution trafficking face the most terrible exploitation. They are usually held captive, with their passports confiscated, and are frequently subject to physical as well as sexual abuse. This is a truly global problem affecting millions of women and children. This is a traffic with profound social, economic and health care implications for countries all around the world. It is an evil trade which requires concerted and urgent national and international action.

For our part, working together with Member States, the United Nations has already made some progress in the fight against the global traffic in women and girls. We have established clear principles and guidelines for political and legislative action. These include the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

Today, however, we can and should go much further. Despite our best intentions, the global traffic in women and girls continues to grow. Despite our best efforts, too many loopholes and too many problems of implementation and application remain. Despite this, there is hope. Together, the Fourth World Conference on Women held in Beijing in 1995 and the 1996 World Congress against Commercial Sexual Exploitation of Children offer a comprehensive plan of action and a way forward.

The Platform for Action adopted last year in Beijing called for the complete elimination of trafficking in women and for greater assistance to victims of trafficking and prostitution. Achieving this strategic objective will not be easy. It will require concerted action by Member States and regional and international organizations.

Specifically, the Platform urged action in five areas: first, the ratification and implementation of the international conventions on trafficking and slavery; secondly, legislation protecting the rights of women and of children; thirdly, greater cooperation in the fight against organized crime and the international trafficking networks; fourthly, new resources for the rehabilitation of and health care for trafficking victims; and fifthly, preventive education and training programmes.

The Declaration and Agenda for Action adopted by the Stockholm World Congress urges action to ensure the full implementation of the Convention on the Rights of the Child. It calls for the commercial sexual exploitation of children to be outlawed; greater international cooperation; a renewed emphasis on education and awareness; and new laws aimed at prevention and the protection of victims.

These platforms provide new hope for the millions of women and children who are victims of trafficking. But good intentions in and of themselves cannot save one woman or child from sexual and physical exploitation. They must be translated into concrete measures, new legislation and an increase in resources at the national and international levels.

On this International Day for the Abolition of Slavery, I urge the Assembly to address these issues with urgency and a renewed sense of anger. The time for action is now.

The President: I now call on the Permanent Representative of the Congo.

Mr. Abibi (Congo) (*interpretation from French*): Participating today on behalf of the member States of the African Group in this special meeting of the General Assembly to discuss the problem of trafficking in human persons, especially women and children, I speak with a strong sense of being the spokesperson of a continent that has paid a great price in this respect. The traffic in human persons, especially women and children, is inextricably linked to the evolution of Africa over many centuries. Many of our most worthy sons and daughters have been victims of plundering and deportation, and then been reduced to slavery far from their homelands. The stigma of these dismal centuries continues to bear witness throughout the continent to the profound impact of these evils.

We do not recall those circumstances — just one of the many sad episodes of common history — in order to blame anyone. Our goal is to explain our unequivocal condemnation of the trafficking in human persons and our commitment to waging the war that must be waged against this scourge.

Today's ceremony is a concrete step to refocus the attention of the international community on the high priority that must be given to a phenomenon that — in spite of significant progress, especially in the establishment of norms — persists in many countries, including in Africa. The problem is of the utmost importance.

And yet, the list of international instruments devoted to this problem is impressive. At the very least, it bears witness to the importance attached to this issue by the United Nations and to the complexity of the manifestations of this scourge, which is remarkably adaptive to socio-economic and cultural changes. This is not the preserve only of developing countries, because this problem is also in evidence, though in different forms, in the developed countries, as evidenced by numerous current world events. Trafficking in human persons, particularly women and children, is all the more condemnable as it affects the most fragile sectors of society.

I would like to pay a particular tribute here to the work accomplished in this field by the United Nations, other intergovernmental organizations and non-governmental organizations, particularly at the normative level, from the Universal Declaration of Human Rights to the conclusions of the recent major international conferences. We are particularly pleased at the Vienna Declaration and Programme of Action, adopted on 25 June 1993, which confirmed that the fundamental rights of women and girl children are an inalienable, integral and indissociable part of universal human rights. We are pleased with the advances embodied in the Programme of Action of the International Conference on Population and Development, held in Cairo from 5 to 13 September 1994, which appeals to all Governments to prevent all forms of trafficking in women and girl children, which is often for purposes of prostitution. We are particularly gratified by the conclusions of the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995.

All of these measures, adopted by consensus, must today constitute the foundation for actions to be undertaken at the national, regional and global levels to successfully fight this scourge, which remains a subject of major concern to the entire international community, as it is a flagrant violation of the fundamental rights of

women and children in particular. These practices are incompatible with the necessary respect for the dignity and value of the human person.

Today's meeting is an opportunity to reaffirm our countries' commitment to do all in their power to abolish all forms of slavery and trafficking in human persons, especially women and children, with a view to better protecting their fundamental rights. Africa is aware that it must make enormous efforts in this struggle for the dignity of the human person. But because this phenomenon has transcontinental dimensions, Africa needs the solidarity of the entire community so that, in keeping with respect for its fundamental values, it will be able to deal a decisive blow to practices incompatible with the cardinal values of our world in the twenty-first century.

The President: I now call on the representative of Mexico.

Mr. Tello (Mexico) (*interpretation from Spanish*): I have the honour to speak on behalf of the Latin American and Caribbean States at this special meeting in observance of the International Day for the Abolition of Slavery.

The countries of Latin America and the Caribbean have a historical vocation of struggle against slavery. As a result of our independence movements, our region was the first to incorporate in its various legal regimes the prohibition of slavery, which served as an encouragement and an example to other countries of the world. We profoundly regret that in spite of the advances of civilization, today there are still human beings who are subjected daily to various forms of servitude.

In accordance with General Assembly resolution 50/167, at this meeting we must address one of the most humiliating forms of slavery in our day: the international traffic in human persons, particularly women and male and female children.

Unfortunately, the traffic in women and male and female children for sexual commerce, as well as forced prostitution, sexual abuse, sexual tourism and forced labour are growing phenomena that leave an indelible mark on the victims of these abhorrent practices.

As the Secretary-General points out in his report on the traffic in women and girls, the increase in temporary migration, the economic disparities between countries and regions and the expansion of transnational crime are factors that facilitate the forced exploitation of persons.

The member countries of the Group of Latin American and Caribbean States have expressed in a number of forums our firm rejection of these practices. We consider it necessary to strengthen international cooperation in order to tackle this transnational problem with the goal of combating all aspects of the phenomenon. In this connection, we wish to reiterate our firm commitment to the measures contained in the Platform for Action of the Fourth World Conference on Women relating to the fight against the traffic in women and girls, as well as to the decisions adopted in other multilateral forums for the abolition of all forms of exploitation and sexual abuse of minors and the sale of children, in accordance with the Convention on the Rights of the Child.

In this context, it is indispensable that the traditional communications media and the more modern electronic media participate actively in these efforts. The strengthening of national legislation through harsher penalties for those who traffic in persons is also fundamental to more effectively combat these practices, which are contrary to the most essential rights of the human being.

The growing concern in all societies of the world at the continuation of the problem of the traffic in women, boys and girls has given the issue greater visibility and has established its elimination as one of the priorities on the agenda of the international community.

Latin America and the Caribbean have been and will continue to be particularly active in the establishment of mechanisms of international cooperation in order to effectively combat these grave problems. It is our hope that the attention the international community has given to these subjects will soon lead to comprehensive solutions so that in the world of tomorrow we will no longer have to hear and discuss the tragic stories of so many innocent victims of these abominable practices.

Mr. Robinson (United States of America): The violence and exploitation endured by women and children trafficked for purposes of prostitution often go beyond the exploitation suffered by other trafficked migrants. The United States Government has sought to combat trafficking in women and children through public diplomacy, law enforcement, intelligence work and, indeed, training. Several departments in the United States Government have taken actions to combat trafficking, and the Government participates in regional and international

organizations that deal with refugee, immigration and illegal-migrant smuggling issues.

United States law prohibits the transportation of individuals across State lines or national borders for the purposes of prostitution or other criminal sexual behaviour, which includes the sexual molestation of minors, rape or the production of pornography. In addition, the United States is one of approximately 12 countries to have enacted extraterritorial jurisdiction statutes to combat sex tourism. Under such a statute, criminal sexual behaviour that occurs in one jurisdiction, such as a foreign country, may be prosecuted in another, such as the United States.

It is illegal to bring migrants into the United States except through appropriate procedures and documentation. Bringing a migrant into the United States or holding a migrant already in the United States for purposes of prostitution or other immoral purposes is illegal under United States law.

In the area of enforcement, the United States Department of Justice, through the Child Exploitation and Obscenity Section, attacks both domestic and international cases of trafficking. The Child Exploitation and Obscenity Section investigates and prosecutes procurers and traffickers of women and children and works with women and children as victims of and as witnesses to the crimes of sexual exploitation.

Diplomatic initiatives by the United States Department of State to deter trafficking in persons include participation in bilateral, regional and multilateral initiatives to protect the rights of all migrants and to help deter trafficking in persons; urging major source and transit countries to enact laws against illegal-migrant smuggling, including stiff penalties and asset forfeiture; the revocation or denial of United States visas to individuals involved in illegal-migrant trafficking; sponsoring training in immigration, international document fraud and illegal-migrant smuggling; and participation in information exchange programs with high-level immigration and law enforcement officials.

We are also combating trafficking through domestic and international labour activities. The United States Department of Labor, through its Bureau of International Labor Affairs, has established a special unit of International Child Labor Exploitation. The Bureau of International Labor Affairs has published a two-volume study on this issue entitled *By the Sweat and Toil of Children*, the second volume of which documents child slavery, including the use of young girls as domestic servants and the trafficking of children for the purpose of prostitution. In September 1995, the Bureau of International Labor sponsored a symposium entitled "Forced Labor: The Growing Tragedy of Child Prostitution".

Since the September symposium, the United States has continued its efforts to broaden the international dialogue on forced child prostitution. In addition to an International Labour Organization (ILO) programme in Asia on girls at risk of being lured into prostitution, which is being funded by the United States, the ILO is considering additional programmes in South and South-East Asia to prevent the commercial sexual exploitation of children. Those programmes offer some hope for helping a small number of children at risk. They can also act as catalysts for broader governmental responses in the countries where forced child prostitution flourishes. The United States hopes to continue to support such programmes.

In order to stop trafficking and to assist women and children who are victimized and exploited, the United States is committed to the following goals: first, to deter sex tourism and trafficking in women and children; secondly, to improve enforcement of laws; and thirdly, to transfer information and assistance rapidly.

To effect those goals, the United States will establish international exchange programmes among law enforcement agencies to foster formal and informal working relationships. It will work with the international community to identify centres of sex tourism and trafficking in women and children. The United States will create a clearing house for information on international trafficking and encourage the international community to review and modify, where necessary, domestic laws on prostitution and trafficking. It will increase training for and coordination between national customs and immigration authorities to maximize each nation's ability to identify and bar entrance to individuals travelling for the purpose of trafficking in women and children.

The United States is taking the following initiatives to combat trafficking: first, it is providing model legislation to countries that do not have adequate laws against trafficking; secondly, it is revoking or denying visas to individuals, including Government officials, who are involved in trafficking; thirdly, it is assigning additional law enforcement personnel to major source and transit countries; fourthly, it is sponsoring additional law enforcement training and, lastly, it is developing a public

diplomacy programme to better publicize the dangers associated with being smuggled and with criminal smuggling organizations.

As members can see, the problems of trafficking in women and children are taken very seriously by the United States Government. In order to combat this terrible problem, we urge all Governments to enact and enforce laws against trafficking; institute stiff penalties for trafficking, including asset forfeiture; examine national laws regarding prostitution to determine how to discourage trafficking for purposes of prostitution and to encourage appropriate treatment for victims of trafficking; share information regarding known and suspected trafficking; mount public information programmes in source and destination countries describing the peonage conditions and violence which befall most trafficked women, prostitution and immigration laws in destination countries, as well as dealing appropriately with victims; utilize a regional, cooperative approach to combat organized, large-scale trafficking; and promote cooperation between source and destination countries.

The President: I call on the Permanent Representative of Ireland.

Mr. Campbell (Ireland): I have the honour to address this special plenary meeting on behalf of the European Union. The following associated countries align themselves with this statement: Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. Iceland also aligns itself with this statement.

The European Union very much welcomes the holding of this meeting as a way of marking the importance of the International Day for the Abolition of Slavery. This year, the International Day gives particular emphasis to trafficking in persons, especially women and children. Trafficking in persons is a phenomenon that primarily affects women, many of whom become victims at a very young age. The victims face atrocious conditions and suffer appalling treatment.

The odious practice of trafficking involves consistent and systematic violations of human rights and fundamental freedoms and requires concerted national and international action. It often leads to the break-up of families and exposes women and children to appalling sexual exploitation and abuse. In the case of children, in particular, it damages them mentally and physically, robs them of their innocence and destroys their childhood.

It is obvious that trafficking in women for sexual exploitation is becoming a serious international problem. This area of criminality is often organized by criminal groups which kidnap, imprison and force women into prostitution by the use of, at times, extreme violence and intimidation. These organized groups transcend police boundaries locally, nationally and internationally. They are making vast sums of money from these activities and some of the profits are financing other forms of crime.

The importance attached by the international community to the need to eradicate the plague of trafficking was echoed in the Platform for Action adopted by the Fourth World Conference on Women at Beijing in September 1995. The Platform calls for a number of actions against trafficking to be adopted by Governments of countries of origin, transit and destination, as well as regional and international organizations, as appropriate. The Platform focuses on the need, *inter alia*, for concerted national and international law enforcement action and cooperation and on educational and training programmes aimed at vulnerable young women and girls. At the same time, it urges the adoption of measures to address the root factors which encourage trafficking. One of the key components of such a counter-strategy is the strengthening of existing legislation with a view to providing better protection for women and girls and to punishing the perpetrators through both criminal and civil measures.

The question of trafficking, *inter alia*, for commercial sexual exploitation, is of grave concern to the European Union. The Union participated actively in the World Congress against Commercial Sexual Exploitation of Children, which took place in Stockholm in August this year. We believe that the outcome of that conference has succeeded in raising awareness among many actors of society, at the national and international levels, concerning the abhorrent practices of the commercial sexual exploitation of children and will make an important contribution to highlighting the need for urgent measures aimed at combating this phenomenon. We call for the urgent implementation of the measures agreed at Stockholm.

The European Union intends to press firmly ahead with its concerted action and cooperation aimed at tackling this evil and cruel modern-day form of slavery. On Friday last, the Council of Ministers of the European Union agreed on a Joint Action on trafficking in human beings and the sexual exploitation of children, by which the member States of the Union will criminalize the

sexual exploitation of children and trafficking for that purpose. The member States will also criminalize sexual exploitation of adults and trafficking for that purpose.

The Joint Action includes provisions for jurisdiction and penalties and measures aimed at protecting victims and witnesses. The member States will introduce extraterritorial legislation aimed against sex tourists abusing children. A Joint Action extending the mandate of the European Police Office to cover trafficking in human persons was also agreed. The European Union will also invest 6.5 million ECUs over the next five years in a training and research programme for persons working in this field.

We commend the work of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography. We believe that this is a valuable contribution to the promotion and protection of the rights of the child and has played a significant role in informing and enhancing this important debate. We also welcome the important work done by the Committee on the Rights of the Child, the United Nations Children's Fund (UNICEF) and the International Labour Organization (ILO) and encourage all actors to make further concerted efforts in this area.

The European Union also supports the efforts of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and we hope that it will make further progress, prior to the fifty-third session of the Commission on Human Rights, with a view to finalizing its work.

Another evil to be addressed in this commemoration of the International Day for the Abolition of Slavery is the persistence of bonded and forced labour, especially of bonded and forced child labour. The exploitation of children in this way remains a matter of serious concern to the European Union and we call on the international community to join us in making every effort to eliminate this intolerable phenomenon.

The European Union's consideration of the issue of trafficking in women was greatly facilitated by a regional conference on the subject which the Union held in Vienna last June. Among the key proposals made at the conference were: close cooperation between countries of origin, transit and destination to prevent and combat trafficking in women; the development of a more coordinated policy at the international and national levels to combat trafficking in women; special attention to respect for the victim's human dignity; high priority for information campaigns on these issues, both in the countries of origin of the trafficked women and in the receiving countries; with emphasis on raising awareness; close cooperation between non-governmental organizations, which are doing valuable work in this field in different countries; and assistance to victims with regard to such matters as medical care, accommodation, food and money, as well as legal assistance and language courses, where necessary.

A principal conclusion of the participants at the regional conference was that trafficking cannot be tackled effectively without a multidisciplinary and coordinated approach which involves all concerned parties, judicial, law enforcement and immigration authorities and non-governmental and support organizations. In that spirit, the European Commission has recently communicated proposals to the European Council and the European Parliament on trafficking in women with the purpose of stimulating a broad policy debate and promoting a coherent and multidisciplinary European approach to these issues. Included are a number of proposals to improve both international and European cooperation, whilst putting more effective measures in place at the national level. The European Union will give further consideration to this matter at a ministerial conference to be held from 24 to 26 April 1997 with a view to elaborating further measures to prevent and combat trafficking in women.

In marking the International Day for the Abolition of Slavery, we must redouble our determination as an international community to respect the human rights of all persons. We must commit ourselves, in particular, to a global partnership against the sexual exploitation of children. We owe it to the memory of the victims of trafficking in human persons and to future generations to use the momentum generated by occasions such as today's to banish this scourge forever.

Mr. Mabilangan (Philippines): At the forty-ninth session of the General Assembly in 1994, the Philippine delegation had the honour of introducing in the Third Committee a new draft resolution, entitled "Traffic in women and girls". The resolution condemned the illicit and clandestine movement of persons across national and international borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and children into sexually and/or economically oppressive and exploitative situations for the profit of recruiters, traffickers and crime

syndicates. The resolution also condemned other illegal activities related to trafficking in human beings, such as forced domestic labour, false marriages, clandestine employment and false adoption.

The initiative was born of our deep conviction as to the inherent sacredness of the rights of all human persons, families and communities everywhere on this planet — their right to freedom, to dignity, to participation in their own governments and to development. Violence against women impairs and nullifies their enjoyment of their human rights and fundamental freedoms. Trafficking, or the illegal moving and selling of human beings across borders in exchange for financial or other forms of compensation, is a most dehumanizing form of violence. It removes from the victim all sense of dignity and self-worth, often subjecting her to all kinds of violence. It renders the trafficker worthy only of contempt. It is a crime against humanity and is particularly heinous when it is perpetuated upon children. Trafficking in women and children, in particular for sexual purposes, is a contemporary form of slavery that brings in multi-million-dollar profits to traffickers and nothing for the victims except shame, disability and disease, violence and even death.

The resolution on the traffic in women and girls has been updated every year since 1994 in an effort to fight and, hopefully, eliminate this scourge. Last year's resolution 50/167 decided to focus the International Day for the Abolition of Slavery, 2 December 1996, on the problem of trafficking in human persons, especially women and children, and to devote one meeting of the fifty-first session of the General Assembly to the discussion of this problem. Although this meeting could not be held on the designated day because of scheduling constraints, we are nevertheless thankful that the United Nations has given us this day to draw the attention of the world to the transnational crime of trafficking in human beings, considered by many to be the third most serious illegal trade after drugs and weapons, but no less evil.

I shall therefore try to make good use of the time we have today to speak on the problem of trafficking by submitting the following recommendations.

First, at the international level, priority must be given to the ratification and enforcement of international conventions and instruments on human rights, the traffic in persons and slavery. There are those of us who see a need for a new convention on trafficking, but the urgency attached to the problem would not be served by the long negotiating process that normally precedes the adoption of a new convention or treaty, nor would scarce resources contribute to the feasibility of such a project. It would be more useful, in our view, merely to amend the old 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in order to provide it with a wider view of trafficking and exploitation to include forced marriages and forced labour within the concept, and also to provide it with a monitoring mechanism.

As for the Convention on the Rights of the Child, the envisioned optional protocol to the Convention would deal explicitly with the sale of children, child prostitution and child pornography.

The Platform for Action of the Fourth World Conference on Women covers a broad range of issues related to trafficking. Similarly, the outcome of the World Congress against Commercial Sexual Exploitation of Children provides a wide range of recommendations for dealing with the problem.

At the national level, priority should be given to the strengthening of existing legislation and, where none exists, the adoption of new legislation to protect the rights of women and children by criminalizing trafficking in all its forms, by penalizing all offenders involved, including intermediaries, whether their offence was committed in their own or in a foreign country, and by penalizing persons in authority found guilty of sexually abusing victims of trafficking who are in their custody. It is equally important that measures be taken to ensure that victims are not themselves penalized.

Standard minimum humanitarian treatment, consistent with human rights standards, should be accorded to victims of trafficking, with appropriate assistance for their repatriation to their home countries and reintegration into their home societies.

Appropriate training should be given to law enforcement officers and others who come into contact with victims of trafficking to sensitize them to the special needs of such victims. The assistance of non-governmental organizations is particularly valuable in this respect, including in the healing process of various traumas resulting from trafficking and other forms of gender-based violence.

It is critically important to make an all-out effort to ensure the dismantling of national, regional and

international trafficking networks if the problem is to be eradicated. To do this, cooperation and political will are needed in equal measure.

It is a long and difficult road that we must travel, but the sacrifices that will be demanded of each of us will not begin to compensate for the pain of thousands of women who have been trafficked like so much merchandise and of the children from whose eyes innocence has been prematurely snuffed out. But let us begin now to find ways to help those who have fallen and to prevent others from meeting the same fate. Together, there is much that we can accomplish.

The President: I call on the Permanent Representative of Mongolia.

Mr. Enkhsaikhan (Mongolia): It is my great honour to speak on behalf of the member States of the Asian Group on the occasion of the International Day for the Abolition of Slavery.

As is well known, the International Bill of Human Rights, and in particular article 8 of the International Covenant on Civil and Political Rights, states:

> "No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited." *(Resolution 2200 (XXI), annex)*

Yet, despite the universal condemnation, slavery-like practices remain a grave and persistent problem in the closing years of the twentieth century. That is exactly why the General Assembly, in resolution 50/167, decided specifically to consider the problem of trafficking in human persons, especially women and children, at the plenary level. The growing awareness of the international community of the problem of trafficking in women and children is reflected in the final documents adopted recently at international conferences, especially the Fourth World Conference on Women, held at Beijing.

Mr. Mabilangan (Philippines), Vice-President, took the Chair.

The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others continues to be the main international legal instrument on the subject. It is unfortunate that less than half of the States Members of the United Nations have joined the Convention. It is hoped that more States will consider acceding to the Convention within the framework of the overall efforts to combat this contemporary form of slavery. Furthermore, in order to enhance the Convention's effectiveness, the possibility of strengthening it with a monitoring system of compliance by States parties should be explored.

The other legal instruments related to the problem of trafficking in women and children are the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It is important that the States parties to those Conventions to consider including in their periodical reports information on trafficking, as recommended by the relevant bodies. It should be noted that, in recent years, a number of United Nations organizations have also been undertaking various steps, of both a practical and standard-setting nature, to address the problem of trafficking in women and children.

Notwithstanding all this, the expanding magnitude of the traffic in women and children in all its manifestations calls for an urgent and adequate international response. The member States of the Asian Group, like others, strongly believe that the consideration of this problem today, on the occasion of the International Day for the Abolition of Slavery, is particularly timely and, undoubtedly, will help to reinforce anew the political will on the part of the international community to combat collectively this pernicious form of slavery.

The Acting President: I now call on the Minister of Education, Youth and Sports of Andorra.

Mrs. Sala Sansa (Andorra) (*spoke in Catalan: interpretation from French text furnished by the delegation*): Since its admission to membership of the United Nations in 1993, the Principality of Andorra has worked to develop as a priority its active participation in the defence of respect for human rights and tolerance. It has also sought to attach special importance to the role of children and youth in society, among other things. A dynamic policy in defence of human rights cannot be complete without an ongoing evaluation of the status of women and their opportunities for advancement in all societies of the world. In Andorran society, ongoing rapid changes in the social fabric over the past 30 years have allowed for the recognition of the status of women and their ongoing participation in all areas of public and social life. The fact that a female Minister of the Government of Andorra is addressing the General Assembly is very clear proof of that. It is a great honour

for me, especially since I am the first woman from my country to speak here.

Last year, the efforts of the international community were focused on Beijing. It was a memorable meeting, in which Andorra also participated. Our United Nations Ambassador participated in the preparatory meetings. The Consul General, Madame Ferrer, represented our country at the Fourth World Conference on Women. We have carefully studied the conclusions and appreciate the results of that Conference. However, specific obstacles remain that prevent women from enjoying real equality and the human rights guaranteed to all human beings. The problems identified at the Conference should be dealt with urgently. There are still too many women who are victims to slavery-like and dehumanizing trafficking and are reduced to prostitution and a total denial of the respect befitting a human being. In the late twentieth century, we are still hiding behind considerations for the cultural differences between various human groups as a way of justifying the mutilation, discrimination and economic impoverishment of women. A third of the world population lives in absolute poverty and 70 per cent of that third are women.

We welcome here the activities of the United Nations Development Fund for Women to promote economic opportunities for women and to give them control of their destinies through micro-credits, which have operated so well in States such as Bangladesh, and other measures empowering women in economic decision-making.

There is no specific programme for the advancement of women. To advance the status of women, a global policy including all phases of human development is necessary. First, it is imperative to encourage women's education, which will provide them with the necessary tools of awareness and capacity for self-improvement. Two hundred years after Mrs. Wollstonecraft and Mrs. Adams championed female education, we must ensure that female unemployment is not the result of the mediocre schooling of women. Article 10 of the Convention on the Elimination of all Forms of Discrimination against Women, which Andorra ratified, calls for equal rights in education. The education of girls should inspire a sense of equality, ability and independence; the education of boys should inspire respect for the principle of equal opportunity for men and women.

In respect of adults, Governments and international agencies must do their utmost to eliminate all forms of discrimination and segregation in education and in access to the civil service, public life and the labour market. The United Nations must continue its policy of integrating women into its civil service. All forms of violence against women must also cease. This includes economic, social, political, physical and even sexual violence.

In the third millennium, relations of force between human beings must become relations of justice if we want to be defined as members of the civilization of human rights. We must also consider very seriously the grave problem of violence against migrant women. We share the concern on this subject expressed by the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice.

Andorra has a growing interest in the United Nations Economic and Social Council and hopes soon to be able to participate in its work. The Council's resolution 1996/16 establishes a medium-term plan for the years 1996-2001 for the advancement of women. We will follow its effects very carefully.

When we stop to reflect on the advancement of women, especially now on the threshold of a new century, we must express pleasure at the fact that we have seen real progress — giant steps — in the equalizing of opportunities for men and women, especially in the past 10 years. Unfortunately, these steps have not been equal throughout the planet nor have they reached all levels of society. This concept is broad and the post-Beijing task is an enormous one. For Andorra's part, we will assist in every possible way.

(spoke in French)

On this day of commemoration of the International Day for the Abolition of Slavery, we feel it particularly important to consider issues concerning women. Although the problem of slavery today is not exclusive to women, it is of special concern to them. As a representative of a State that has enjoyed more than seven centuries of freedom, a State whose citizens — both men and women — were free even in the Middle Ages, I am duty-bound to hold high the banner of freedom and to be moved by the horror of slavery, sexual exploitation or exploitation of labour. This is a situation in which so many children, and especially so many young girls, are living today. The fact that slavery still exists today, although sometimes well disguised, is a disgrace for humankind. States Members of the United Nations must therefore be firmly resolved to eliminate this phenomenon

once and for all. I can promise the Assembly today that Andorra will stand among its ranks.

Mr. Reyn (Belgium) (*interpretation from French*): First of all, I would like to associate myself with the statement of the Irish representative on behalf of the Presidency of the European Union.

The International Day for the Abolition of Slavery and its modern manifestation — the trafficking in human beings — is primarily a time for reflection in order to denounce and publicly condemn this tumour which humankind has not yet been able to expunge. It should also prompt us to support and strengthen the considerable efforts that have been made by the United Nations to put an end to this scourge. We cannot close our eyes to the truth of our world and then reopen them to the myth that would qualify the traffic in human beings as a new incarnation of geographical disparities and of differences between the economic systems governing our societies. The truth is that relations of force established between the exploiter and the exploited, between executioner and victim, could not care less about the social and economic system in which they occur. At the end of the twentieth century, nothing can justify any form of exploitation, wherever it may occur, of man by man.

The traffic in women is one of those crimes that has deep historical roots. From the beginning of this century, and before the founding of the United Nations, international legal instruments were prepared in order to stem its most nefarious effects. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others remains a reference point for the international community in its campaign against the exploitation of women, in particular in the field of prostitution.

Since that time, the definition of trafficking has been expanded to include other forms of exploitation, such as forced marriage and labour. Furthermore, the emergence of international criminality linked to various forms of trafficking and the ease of communications and movement favour the establishment of transnational networks specialized in trafficking, prostitution and other forms of exploitation.

The Fourth World Conference on Women held in Beijing echoed the constantly growing concern of the international community about these new realities and the need to strengthen cooperation. While the strategy it promotes is aimed at the better implementation of legal instruments on the traffic in human beings and slavery, it also provides for other measures, such as the allocation of sufficient resources to reintegrate victims into society and the development of preventive measures through education and training.

The campaign to eliminate trafficking in women requires, among other things, cooperation and coordination among the United Nations agencies specializing in the field of human rights and women's rights, as well as among the bodies entrusted with the monitoring and the implementation by signatory States of international conventions established in this field. To that, I would add the input of the Commission on Crime Prevention and Criminal Justice, whose activities in the area of combating organized crime are of particular importance here.

Over the past few years, Belgium, for its part, has taken many initiatives on the domestic level to define and develop a structural policy against trafficking in human persons. In April 1995, the Belgian Parliament adopted a new law providing criminal penalties for anyone who, in helping a foreign person to enter or remain on the territory of the Kingdom, uses any form of constraint against that person.

Belgium has also adopted a series of targeted measures and regulations to guarantee assistance for victims of trafficking, as well as for the defence of their rights, by providing them in particular with a temporary residence permit and social assistance.

Against this background, the Belgian Government supported the establishment of specialized reception centres to provide social, psychological and medical assistance to the victims, as well as legal assistance within the framework of judicial proceedings begun against the guilty parties. In this respect, the victims can bring an independent action for damages and redress for the harm that they have suffered. It should also be noted that, on a bilateral level, Belgium has initiated a pilot project with the Philippines devoted to the problems of the sexual exploitation of nationals of that country in Belgium. The eventual evaluation of that project will make it possible to extend it to other countries that are particularly at risk.

Several months ago, the abduction of four young children, followed by the discovery of their deaths in particularly horrible conditions, profoundly shook the conscience of our compatriots. These tragic events

brought to an end — if that was necessary — the myth that only those countries subject to major economic difficulties are affected by the sexual exploitation of their children. In fact, every day, more and more children throughout the world are subjected to particularly repulsive forms of exploitation. This occurs in flagrant violation of the provisions of all international instruments aimed at guaranteeing their protection, rights and dignity.

The events to which I have just referred coincided with the work of the World Congress against Commercial Exploitation of Children, which was held in Stockholm in August 1996. The great many States, that were represented there undertook, in adopting a Declaration and Agenda for Action, to support a global partnership against the sexual exploitation of children for commercial purposes. In our view, the implementation of the Stockholm recommendations is one of the most solid cornerstones of the efforts of the international community, which must be undertaken as a matter of urgency to put an end to this particularly pernicious form of modern-day slavery.

During the course of the work that it has just concluded, the Third Committee adopted what in our view was a very substantial draft resolution on the rights of children, which should be endorsed by the General Assembly. Belgium is particularly pleased by the fact that this document takes up the main recommendations of the Stockholm Declaration and Agenda for Action, and that it supports the activities of the Working Group on Contemporary Forms of Slavery to prepare an optional protocol to the Convention on the Rights of the Child with regard to the sale of children, child prostitution and child pornography.

Belgium is in favour of the adoption of a binding instrument which, supplementing the Convention on the Rights of the Child, would have the effect of compelling the signatory States to rank practices linked to the sexual exploitation of children as penal offences, so that they can be punished under criminal law. The preparations for the additional protocol to the Convention on the Rights of the Child relating to the sale of children, child prostitution and child pornography that are now in progress should also commit the future signatories to take necessary measures to give their courts worldwide competence to ensure prosecution and punishment of these acts, wherever they are committed.

The need to punish those guilty of these abhorrent crimes cannot, however, allow us lose sight of the extremely painful consequences of such acts for the victims, or the urgent need for measures to be taken for prevention, protection and the reintegration of the victims into society. The eradication of these practices requires cooperation and the consistent implementation of a set of measures at the global as well as the regional and national levels. It was also in that spirit that, following the World Congress in Stockholm, several activities have been undertaken within the European Union, some of which are already in place. These were referred to in the statement made by the Irish presidency.

In today's world, the most widespread form of the exploitation of children is child labour. The International Labour Organization (ILO) very recently published an important report entitled "Child Labour. Targeting the intolerable". The report describes, in illuminating terms, the exploitation and mistreatment of children in forced labour, as well as national and international practices and legislation relating to it. It proposes concrete measures to free children from the most intolerable forms of labour: debt bondage, forced labour, slavery, prostitution and dangerous activities that can seriously jeopardize their health.

If, until recently, child labour was not at the forefront of our concerns, whether nationally or internationally, we should note that attitudes, thinking, and in some cases, policies have radically changed in this regard under the pressure of an increasing number of widely different parties arguing very legitimately in defence of children. Child labour is a complex issue, but it is alarming because of both the extremely high number of children involved and the harmful consequences that working at too young an age can have on the growth and development of children, as well as on the economic and social development of countries that use child labour on a massive scale.

For many reasons, particularly economic ones, the elimination of child labour can only be gradual. The attainment of this objective will require the mobilization and concerted cooperation of States, international organizations, specialized agencies of the United Nations, non-governmental organizations and civil society, as well as the implementation of assistance programmes and, in particular, investment in basic educational services.

The available human and material resources must, as a matter of priority, be earmarked promptly in the service of a global strategy so as to lead as quickly as possible to the eradication of the most intolerable forms of child labour, and of practices that might be likened to

forms of slavery in this area. Belgium also supports the orientations and programmes of action proposed in this area by the ILO. In particular, Belgium encourages the International Labour Office to continue, without respite, its work in this field, in addition to the preparation of a new legal instrument aimed at prohibiting all intolerable forms of child labour.

As we celebrate this Day, I believe that we should take the trouble to look for a brief moment at our own lives. Let us have the courage to think about our own children and our own families. Let us think about the appalling tragedy of forced separation, the horrible wounds of rape and the physical and moral suffering that could strike those in the world who are dearest to us. It is in that spirit that my delegation would like to confirm the will and determination of my country to join in the efforts of the international community to eliminate once and for all these evils: the traffic in human beings and the exploitation of children.

The Acting President: I now call on the representative of Canada.

Mr. Fowler (Canada) (*interpretation from French*): Today, as we commemorate the International Day for the Abolition of Slavery, all Member States of the United Nations have an ideal opportunity to give urgent attention to a growing international problem, and a modern form of slavery: trafficking in human persons. This is also an appropriate time for Canada to speak about this issue, as this is our National Day of Remembrance and Action on Violence Against Women, in commemoration of the 14 young women who were so tragically shot down on this date in 1989 at the École Polytechnique in Montreal.

At last year's General Assembly, it was decided that in 1996 we would focus world attention on the problem of trafficking in human persons, particularly women and children. This trade is a violation of human rights and a particularly heinous form of violence against women. It is an affront to the basic principles underlying all human rights — dignity and respect for persons as set out in the preamble and article 1 of the Universal Declaration of Human Rights. It is a multifaceted problem requiring a multidisciplinary response involving migration policies, judicial systems, law enforcement and police cooperation, as well as preventive and rehabilitation measures.

We are facing an enormous transboundary problem. Women and children are being sold into sexual and other forms of servitude, ending up in prostitution and degradation. This problem cannot be tackled by any one country alone. It can only be adequately addressed by countries working together. In recognition of the serious nature of the problem, trafficking is receiving increasing international attention. Many countries in every region are taking measures to address the problem. The Philippines, in particular, is to be commended for leading efforts to encourage the relevant organs of the United Nations system to address the issue. We support the work being done in the various United Nations forums and stress that, in order to formulate appropriate strategies and avoid duplication, coordination of efforts is essential.

(*spoke in English*)

Canada has made the protection of the human rights of women and children a centrepiece of its domestic and foreign policy. Consequently, we continue to stress the importance of addressing the issue of trafficking from a human rights perspective as well as from a criminal justice and law enforcement perspective. Any international initiatives on the traffic in persons must fully respect international human rights covenants, standards and norms. The United Nations Declaration on the Elimination of Violence against Women emphasizes that violence against women, including trafficking, is a violation of their human rights. The Special Rapporteur on Violence against Women of the United Nations Commission on Human Rights is also studying the issue. It was of course considered in the Beijing Declaration and Platform for Action emanating from the Fourth United Nations World Conference on Women last year.

With respect to the traffic in children, and in particular the commercial sexual exploitation of children, Canada strongly supports the initiatives of the United Nations High Commissioner for Human Rights to encourage maximum cooperation with United Nations human rights bodies, particularly the Committee on the Rights of the Child, the thematic and country rapporteurs, and especially the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography.

Canada considers that international initiatives in the area of trafficking in women and children should contribute to a clear and coherent definition of traffic in persons and be relevant to the contemporary forms of sexual exploitation.

Canada participated actively at the Conference on Trafficking in Women for sexual exploitation convened

by the European Commission in June this year. We fully supported the human rights focus adopted at the Conference, as well as the recommendations for future work on the issue. These include closer cooperation among countries of destination, countries of origin and transit countries, improved information exchange, training and awareness programmes for officials, information campaigns aimed at potential victims of trafficking, and assistance for repatriation. To combat trafficking in migrants in general, and trafficking in women and children for sexual exploitation specifically, effective policies must, we believe, take a victim-centred approach. We must ensure that our enforcement efforts focus on the criminals who are doing the trafficking rather than on the victims. The only durable solutions lie in expanded multilateral cooperation.

Trafficking in children also often takes the form of commercial sexual exploitation. Protecting children from this is a priority issue for Canada and the international community as demonstrated by the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in August this year. Canada is moving to join other States in enacting legislation to permit the prosecution, in domestic courts, of our nationals and permanent residents who engage in prostitution-related activities with children while travelling abroad.

Canada's Secretary of State for the Status of Women, who attended the Stockholm Conference, is meeting today with representatives of the Canadian travel and tourism industries and non-governmental agencies to discuss measures to protect children from sex tourism. We are working with other countries to ensure successful completion of work to draft an optional protocol to the Convention on the Rights of the Child concerning the sale of children, child pornography and child prostitution.

Trafficking in women and girls is linked to broader migration issues. These in turn are connected to national and international security questions such as transnational organized crime. Canada, like many other countries, views with increasing concern the problem of trafficking in migrants, or people-smuggling. The Canadian Government has responded with specific legislative sanctions to combat illegal migration. Our Immigration Act includes in its objectives the need

> "to promote international order and justice by denying the use of Canadian territory to persons who are likely to engage in criminal activity".

Canada also works with the international travel industry to help control trafficking and encourages closer cooperation among Governments confronting the issue, through regional and multinational forums. Canada will continue to explore with other Governments new avenues to establish cooperative arrangements on greater technological compatibility, harmonizing policies, exchanging information and sharing common tasks. The challenge is to control illegal migration while respecting international obligations to offer refuge to those fleeing persecution.

We urge Governments to work together to address the issue of trafficking, especially trafficking in women and girls, at its roots: the economic, cultural, social, legal, political and other bases of inequality that lead to the violations of human rights of women and children and render them vulnerable to violence and exploitation. Trafficking is a complex problem, often involving many different elements such as coercion, violence, prostitution, drug trafficking and use, health risks, forced labour and other crimes. The involvement of organized crime and individual criminals is clearly substantial.

The way forward is improved coordination and collaboration between Governments and non-governmental sectors, including business, the media, law enforcers, community leaders, politicians, parents and children. Law enforcement alone will not of course solve the problem. For these reasons, we will continue to work in concert with concerned delegations at the Commission on Human Rights, the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice to develop workable international solutions. Canada recognizes trafficking in human persons as a major international issue, and believes that lasting solutions can be found only through enhanced international cooperation based on full respect for all human rights and fundamental freedoms.

The Acting President: I now call on the representative of Norway.

Mr. Biørn Lian (Norway): The celebration today of the International Day for the Abolition of Slavery is scarred by the sad reality that modern forms of slavery continue to exist, particularly in abominable practices such as trafficking in human persons for sexual exploitation and forced labour, including minors. The main victims of trafficking are women and girls. The international community has a special obligation to protect the victims of such modern forms of slavery.

It is the firm hope of the Government of Norway that the Platform for Action of the Fourth World Conference on Women held in Beijing will be implemented by all countries. They should ratify and enforce international conventions on trafficking in persons and on slavery. The root causes of trafficking, in countries of origin, transit and destination, must be addressed.

The extent of trafficking in and forced prostitution of children has horrified the international community. It is a matter of concern to all of us. The First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in August 1996, was instrumental in raising awareness about such crimes. It must be followed up by actions on the part of Governments and international organizations in order to help victims, prosecute offenders and prevent further exploitation. In Norway we are hard at work to implement measures against all kinds of sexual abuse of children.

Norway supports the idea of a new European convention on forced prostitution and trafficking in women. We believe that such a legal instrument should also encompass children and men. Norway is also following up the work of the Council of Europe on trafficking in women. Trafficking and prostitution are often part of international organized crime and connected to other crimes such as drug trafficking. They represent major threats to society and thus ought to be of primary concern to us all.

Child labour is another matter of great concern to my Government. Often in such cases minors are treated as bonded labour or as workers in slave-like conditions, with little or no compensation to the child. It is against this background that the Norwegian Government has decided to convene an international conference on child labour, which is scheduled to take place in Oslo in October 1997.

The Acting President: I now call on the representative of Jamaica.

Miss Durrant (Jamaica): I first wish to associate my delegation with the statement made earlier by the Permanent Representative of Mexico on behalf of the Group of Latin American and Caribbean States.

We have come here, once again, to commemorate the International Day for the Abolition of Slavery. For most people, this Day is observed with celebration; for others, with despair. For while the world has witnessed the outlawing of an economic and social system once considered to be natural, prohibition has not rendered the practice of slavery extinct. In many parts of our world, even in places otherwise considered to be free, people are kidnapped and sold into bondage of one sort or another, abused and mistreated.

It seems that only a short time has passed since we welcomed the dismantling of apartheid in South Africa. Jamaica, which supported the people of South Africa in their struggle against apartheid, rejoiced at that event, which signalled the onset of a new era for that nation, for the African continent and for the people of the diaspora — the stolen children of Africa and the victims of the cruel system of slavery and the slave trade.

For, as Jamaicans and other descendants of the Middle Passage know all too well, slavery is more than just an event. It is a process by which the persons involved — both slaves and captors — are conditioned mentally, spiritually and emotionally. Freedom, when it arrives, does so too late for this total conditioning to be easily reversed. Freedom heralds the beginning of a painful and often frustrating rebirth, in which learned actions, ideas and feelings are suddenly no longer useful, and new attitudes have to be adopted in their place. In my own country, the annual commemoration of Emancipation Day on 1 August serves as a reminder of our past, and, therefore, as a guide to our future.

One year after we met at Beijing for the Fourth World Conference on Women, and in this, the fiftieth anniversary year of the United Nations Children's Fund (UNICEF), it is quite fitting that we devote our observance to the problem of trafficking in persons, especially women and children. I cannot overemphasize nor even describe our utter revulsion at the mere thought of persons in this predicament. We have read with growing concern the Secretary-General's report on trafficking in women and girls, which stressed that this phenomenon is growing and expanding. The increased targeting by sex slavers of two of the most vulnerable groups of persons in society is something which the United Nations, as a voice of the international community, cannot ignore.

The Jamaican Government condemns in the strongest terms those who perpetuate this gross crime. At the same time, we are very cognizant that economic factors often contribute to the growth of trafficking in and exploitation of women and children.

The system of slavery in Jamaica and the Caribbean was not terminated only by abolitionists wielding torches

and through moral pressure and outrage. It is true that those courageous men and women played a catalytic role in the delegitimization of slavery and waged a relentless struggle for its abolition. But the die was cast only when the perpetrators of the system realized that it was no longer of economic benefit to them. At that time, the slave system — which had become a serious liability to its creators — had to be destroyed.

In the same way, today's versions of slavery exist because there are all-too-powerful persons and organizations which depend on the trafficking trade for their earnings. Only when there is no gold to be mined from this trade will it cease to flourish.

The international community needs, therefore, to ensure that we do not support, either directly or indirectly, any activities related to the trafficking in persons, particularly the international sex trade. We must, if we are serious about ending this evil business, strike at its very core, by, *inter alia*, increasing cooperation among law enforcement agencies and enacting effective legislation to prevent and counter sex tourism, as called for in the Beijing Declaration and Platform for Action. We also urge all States which have not yet done so to ratify the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, as well as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. We also express our hope for the speedy implementation of the recommendations of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm earlier this year.

It is long past the time for the international community to be making apologies in respect of this issue. Let us commit ourselves to finding concrete solutions to these problems, so that one day, when we speak of commemorating the abolition of slavery, it will indeed be a total celebration.

The Acting President: We have heard the last speaker in the discussion held in connection with the observance of the International Day for the Abolition of Slavery. We have thus concluded this stage of our consideration of agenda item 103.

I should like to invite delegates to remain seated, as immediately following the adjournment of this meeting I shall have the honour to preside over an informal segment in connection with the observance of the International Day for the Abolition of Slavery. At the informal segment, delegations will hear statements by the Acting Director of the United Nations Children's Fund, by a representative of a non-governmental organization, and by a victim of trafficking.

The President took the Chair.

Programme of work

The President: I should like to make an announcement concerning the consideration of reports of the Main Committees.

As already announced, the General Assembly will consider the reports of the First Committee on Tuesday, 10 December, in the afternoon. I will now announce the schedule for the consideration of the reports of the Second, Third, Fourth and Sixth Committees, in the order in which the Assembly will consider the reports.

The reports of the Third Committee will be considered on Thursday, 12 December, in the afternoon; the reports of the Fourth Committee on Friday, 13 December, in the morning; the reports of the Sixth Committee on Monday, 16 December, in the morning; and the reports of the Second Committee on Monday, 16 December, in the afternoon.

On Friday, 13 December, in the morning, the Assembly will also consider agenda item 19, "Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples". I should like to point out that there are still some agenda items for which no date has yet been indicated. I will announce the dates for the consideration of those items as soon as they are scheduled. I will also keep the Assembly informed of any additions or changes.

The meeting rose at 12.35 p.m.

United Nations A/51/PV.76

General Assembly

Fifty-first Session

Official Records

76th plenary meeting
Monday, 9 December 1996, 10 a.m.
New York

President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order at 10.25 a.m.

Agenda item 24

Law of the sea

(a) Law of the sea

(b) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

(c) Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources

Reports of the Secretary-General (A/51/383, A/51/404, A/51/645)

Draft resolutions (A/51/L.21, A/51/L.28, A/51/L.29)

The President: I call on the representative of New Zealand to introduce draft resolutions A/51/L.21, A/51/L.28 and A/51/L.29.

Ms. Wong (New Zealand): Agenda item 24 is a consolidation of issues relating to oceans and the law of the sea, including fisheries. I have the honour to introduce the three reports and three draft resolutions we have before us.

Under agenda item 24 (a), document A/51/645 contains a very welcome and comprehensive report on the law of the sea. The Secretary-General is to be specifically commended. The report is the single means by which the international community reflects on all the issues relating to the oceans today. It provides the framework for our discussions, drawing together the global developments relating to the vast ocean areas of our world.

The fundamental importance of the Convention for international peace and security, the peaceful settlement of disputes, the sustainable development of marine resources and the protection of the environment is underpinned by the report and the Secretary-General's role arising from the Convention. In this regard, resolution 49/28 was a landmark setting out this mandate. In draft resolution A/51/L.21 now before us, paragraphs 9, 15 and 16, among other things, express appreciation for this annual report and reiterate the request for a report for the fifty-second session.

The overall implementation of the Convention is the focus of the central programme on oceans at the United Nations. The oceans programme focuses on monitoring State practice and providing information, advice and

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assistance on the uniform and consistent application of the Convention for States and international organizations. It also supports efforts that help States implement the Convention more effectively. In the context of the current United Nations reforms and scarcity of resources, we must ensure that the Division for Ocean Affairs and the Law of the Sea continues to receive priority and adequate resourcing.

The Secretary-General is encouraged to maintain the commitment to the Division and to fill what vacancies remain as soon as possible and with similarly able and talented staff to complement the existing staff. This is important now that the Convention has entered into force. Our substantive requests to the Secretary-General are contained in paragraphs 10, 11 and 13 of the draft resolution before us.

The General Assembly and the Secretary-General play a central role in this framework. They cement together the means by which the Convention is a reality for us and provide the framework for dealing with emerging issues. The importance of the General Assembly's providing oversight assumes even greater significance with the universal acceptance of the Convention. As the report notes, this debate needs to involve the consideration of which intergovernmental forum we choose to discuss particular issues of direct importance to the Convention. Paragraph 14 of the draft resolution reaffirms this decision to undertake an annual review and evaluation.

A period of consolidation has followed the entry into force of the Convention in late 1994, a period in which we have focused on establishing the new institutions called for under the Convention. There have been important developments relating to the International Tribunal for the Law of the Sea. The eighth preambular paragraph welcomes the establishment of the Tribunal at Hamburg, Germany, in October 1996. The ninth preambular paragraph notes the decisions taken by State parties to the Convention facilitating the organization of the Tribunal.

These include several important decisions: the adoption of the initial budget of the Tribunal for the period August 1996 to December 1997 by the fourth Meeting of States parties in March 1996; the approval of a provisional scale for apportionment of the budget among States parties; the adoption of the procedure for the election of the judges; and the election of the judges by 100 States parties at the fifth Meeting of States parties.

Twenty-one prominent jurists have been elected and are now serving as the first judges of the Tribunal. When the Tribunal was convened at its first organizational session in October, it elected its President, Thomas Mensah of Ghana, Vice-President, Registrar and Deputy Registrar.

An inaugural session was held on 18 October 1996 at Hamburg, where the judges made solemn declarations in the presence of a large gathering of dignitaries. The Tribunal has now established its chamber of summary procedure and has taken the necessary decisions to enable it to deal with cases or applications that may be submitted to it.

The thirteenth preambular paragraph emphasizes the importance of making adequate provisions for the efficient functioning of the institutions established by the Convention, which include the International Tribunal for the Law of the Sea. Operative paragraph 6 requests the Secretary-General to convene the meetings of States parties from 10 to 14 March and from 19 to 23 May 1997, which have on their agenda the privileges and immunities and the next budget of the Tribunal.

Operative paragraph 7 requests the Secretary-General to continue to provide assistance to those new institutions and requests the Secretary-General to conclude relationship agreements between the Tribunal and the United Nations, and between the International Seabed Authority and the United Nations.

The eleventh preambular paragraph recalls article 287 of the Convention, which sets out the choice of means for the settlement of disputes, while operative paragraph 8 encourages States parties to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning its application or interpretation.

Important new developments have also occurred in relation to the International Seabed Authority, including the election of the Council and the Secretary-General of the Authority, His Excellency Mr. Satya Nandan of the Pacific, whom my delegation wishes especially to mention; the election of the Finance Committee and the approval of a budget for the Authority for 1997; the election of the President of the Council and of the Legal and Technical Commission; and the adoption of the rules of procedure of the Council. The draft resolution welcomes these developments and notes the decisions taken by the Assembly and the Council. The Authority

has also recently been accorded observer status at the United Nations.

Operative paragraph 4 recalls the decision to fund the budget for the administrative expenses of the Authority initially from the regular budget of the United Nations. This matter is currently before the Fifth Committee for approval. Operative paragraph 11 requests the Secretary-General to ensure that the institutional capacity of the United Nations adequately responds, among other things, to the newly established institutions by providing advice and assistance.

There is an important new element in operative paragraph 2 of the draft resolution, calling on States to ensure that any declarations or statements they make when ratifying or acceding to the Convention are in conformity with the Convention, given that articles 309 and 310 prohibit the making of reservations to the Convention. In his report to the fifty-second session, the Secretary-General could include information about such declarations.

The sixteenth preambular paragraph notes with appreciation the Secretariat's development on the Internet of a home page and of useful means for obtaining information dealing with various aspects of the oceans.

The nineteenth preambular paragraph also notes the recommendation of the Commission on Sustainable Development, endorsed by the Economic and Social Council, concerning international cooperation and coordination in the implementation of chapter 17 of Agenda 21, while the twentieth preambular paragraph notes the Washington Declaration and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

Finally, operative paragraph 17 inscribes an item in the provisional agenda of the Assembly's fifty-second session entitled "Oceans and the law of the sea". This represents a welcome broadening of the annual debate aimed at the consideration of new issues which may be of concern.

With regard to agenda item 24 (b), the General Assembly has before it two reports and two draft resolutions devoted to fisheries issues. The first report, contained in document A/51/383, deals with the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. This report contains valuable information from a variety of sources, including an important contribution by the World Wide Fund for Nature noting the need to focus on excess fleet capacity and subsidies.

The draft resolution contained in document A/51/L.28 evaluates developments relating to straddling fish stocks and highly migratory fish stocks one year after the adoption of the Agreement. It calls upon all States and other entities to become parties to this important Agreement and to consider applying it provisionally.

The draft resolution expresses concern that various stocks of straddling fish and highly migratory fish remain subject to heavy fishing and overexploitation. It urges States and other entities that have not done so to consider taking measures to implement the provisions of the Agreement. It also recognizes and welcomes the fact, nonetheless, that a growing number of States and other entities, as well as regional and subregional fisheries organizations, have taken various steps to implement the Agreement and urges them to enforce those measures fully.

The draft finally requests the Secretary-General to report on further developments relating to the conservation and management of the two fish stocks at the fifty-second session of the General Assembly, and biennially thereafter, on the basis of information provided by all parties to ensure as comprehensive a report as possible.

The second fisheries report we have before us, in document A/51/404, deals with large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction; and fisheries by-catch and discards. The Secretary-General is also to be commended on this report. But it shows that the global moratorium on the destructive practice of drift-net fishing may be being breached.

The second draft resolution on fisheries, contained in document A/51/L.29, reaffirms previous General Assembly resolutions, such as resolution 46/215 relating to large-scale pelagic drift-net fishing, resolution 49/116 concerning unauthorized fishing in zones of national jurisdiction and resolution 49/118 on fisheries by-catch and discards, as well as other resolutions, including resolution 50/25 of 5 December 1995 relating to all three matters.

The draft resolution acknowledges the progress made in the implementation of resolution 46/215 on drift-net fishing and recognizes the efforts that members of the international community have made to reduce by-catch and discards in fishing operations. However, this draft resolution expresses deep concern that there are continuing reports of activities inconsistent with the terms of resolution 46/215 and that unauthorized fishing inconsistent with the terms of resolution 49/116 continues to be a problem around the world. This is unacceptable.

The draft resolution urges all authorities of members of the international community to take greater responsibility for enforcement to ensure full compliance with the moratorium on drift-net fishing and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that moratorium. The draft also calls upon States to take measures to ensure that no fishing vessels entitled to fly their national flag fish in areas under the national jurisdiction of other States unless they are duly authorized by the competent authorities of the coastal States concerned. All who are engaged in fisheries must comply with the United Nations Convention on the Law of the Sea and resolution 49/116 in this regard.

In addition, States, relevant international organizations and fisheries management organizations are urged to reduce by-catch, fish discards and post-harvest losses. This is required by international law and relevant international instruments, including the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries. A call is also made to development assistance organizations to provide financial and technical support to the efforts of developing countries, so that they may improve the monitoring and control of fishing activities, as well as the enforcement of fishing regulations. It is vital that the international community support the efforts of developing countries to monitor and manage their national fisheries resources.

Finally, the draft resolution requests the Secretary-General to submit to the General Assembly at its fifty-second session, and biennially thereafter, a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118.

I wish to thank the United States delegation for coordinating and overseeing the development of these two draft fisheries resolutions with other interested delegations. They are to be adopted by consensus. I also wish to thank the staff of the Division for Ocean Affairs and the Law of the Sea on the very high level of dedication to the matters before us today and for their assistance in our work. I recognize and thank all those delegations which played a role in the drafting of these resolutions and commend them to you for adoption today.

Mr. de Silva (Sri Lanka): It is almost 14 years to the day since the Convention on the Law of the Sea was opened for signature at Montego Bay, Jamaica, on 10 December 1982. It came into force in November 1994, nearly 12 years later. It is indisputably one of the major achievements of the United Nations and has come to be regarded as a multilateral instrument that holds out great promise and vast potential for the maintenance of peace, an equitable basis for sharing the resources of the world's oceans and a means for securing economic and social progress for all the peoples of the Earth. But that promise still awaits fulfilment, and the potential that was foreseen is yet to be realized. This is especially so for the countries of the developing world.

The General Assembly also unanimously adopted the Declaration of Principles Governing the Seabed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, which states that the seabed and the ocean floor, and the subsoil thereof that lie beyond the limits of national jurisdiction, as well as the resources of that area, are the "common heritage of mankind" (*resolution 2749 (XXV) para. 1*), to be reserved for peaceful purposes, not subject to national appropriation and not to be explored or exploited except under the international regime that was to be established. For many developing countries, however, that Declaration, too, is still in the nature of a last will and testament that has yet to be proved and the benefits of which have yet to be distributed among the beneficiaries. These countries lack the financial capacity and resources and the necessary scientific and technological capability to enjoy the fruits of their own inheritance, which still remains a distant dream.

The regime for the oceans offers many attractive prospects, especially for developing countries, in many vital areas: as a source for supplying nutritional needs, energy requirements and raw materials. Given the paucity of existing resources, to many of these countries the ocean appears to be the only feasible avenue that will enable them to eradicate malnutrition and poverty and raise the living standards of the poor.

Despite this awareness of the development potential of the marine sector, there are many impediments that

stand in the way of realizing these objectives. Principally, it is the absence of the requisite financial capacity to set in motion the processes necessary for the realization of their aims. The level of international financing necessary for this purpose is inadequate. The national priorities of most developing States tend to exhaust available financial resources, with the result that funding for activity at the optimum level for development of the ocean sector is found to be lacking. The richer nations are at a distinct advantage, being in possession of advanced technology, while these innovations are beyond the reach of the poorer countries. Exploitation of ocean resources needs to take account of various environmental dangers and threats to ocean ecology. In order to overcome such hazards, these countries need trained personnel equipped with the necessary skills.

The Convention on the Law of the Sea recognizes the need to promote the development of the marine scientific and technological capacity of the developing States. They encompass a whole range of activities involving the exploration, exploitation, conservation and management of marine resources, the protection and preservation of the marine environment and marine scientific research, all of which necessarily contribute to the social and economic development of the developing States.

I am conscious of the fact that many delegations have in this very Hall urged the General Assembly to call attention to this need, and the General Assembly has in turn called upon the Secretary-General to undertake such assistance to States for the implementation of the Convention, in order to enable the full realization of the benefits of the comprehensive legal regime established by the Convention. But it is a point that bears repetition and needs reiteration. Such an enterprise no doubt calls for collective and concerted efforts involving the participation of national, subregional and regional efforts towards the achievement of these objectives. More importantly, it is imperative that all the organs and organizations of the United Nations system cooperate and lend assistance in these endeavours.

In this joint enterprise, however, it is also necessary to stress the need to ensure that no harm is caused to the marine environment. The Convention does stress the need to protect the marine environment and the obligations of the international community to cooperate in the conservation of living marine resources. This includes the prevention and abnegation of the use of fishing techniques and practices that can have an adverse impact on the conservation and management of living marine resources.

While bilateral aid from donor countries, support from governmental agencies, assistance from international agencies, international development and aid institutions have an important role in supplementing national and regional endeavours in this regard, it is essential that due importance be given to development mechanisms that are better able to cope with the transboundary movement of marine resources and to address the transboundary nature of marine environmental problems. Regional measures have been able to contribute significantly to national ocean development through the sharing of expertise, experience, facilities and infrastructure. Regional cooperation also facilitates conservation and management of living resources, the assessment of non-living resources and vital research programmes in this field. In this connection, it is appropriate that I call attention to the pioneering role of the Indian Ocean Marine Affairs Cooperation (IOMAC), which owes its origin to the initiative of Sri Lanka. This body needs our active support. It needs strengthening and revitalizing and must function at a quickened pace if it is to fulfil its expected role in the Asian-African region. Although it is often stressed that States have achieved greater success through regional initiatives in gaining access to international assistance, both economic and technical, these expectations have yet to be fully realized in the case of IOMAC, which has functioned now for over a decade.

Developing countries, and especially island States, have always had a vital stake in the protection of their fishing rights in areas of their particular concern. To some extent they have been disadvantaged by the activities of developed States equipped with large and technologically advanced fishing fleets. The loss and damage sustained through overexploitation by foreign fishing vessels backed by large-scale commercial interests, causing heavy depletion, if not exhaustion, of local fishing stocks, can have serious effects on their economies and the well-being of their peoples. It is necessary to be on guard against subtle modes of injuring the long-term interests of those countries that are directly concerned. We would naturally expect the Indian Ocean Tuna Commission to ensure due compliance with the internationally agreed regulatory measures for the conservation of these resources in the Indian Ocean. It is necessary that this body be fully representative of the countries that have long-term interests in this region, rather than be dominated by those from far-off lands.

During the past year, the 1994 Agreement relating to the Implementation of Part XI of the Convention came into force; and the establishment of the Council of the

International Seabed Authority is an important development. Likewise, the inauguration of the International Tribunal for the Law of the Sea, with the election of the Judges of the Tribunal that will sit in Hamburg, is a noteworthy development, and we trust that it will make a significant contribution to jurisprudence in this field of law.

In conclusion, I should like to thank the Secretary-General and his staff, and especially the United Nations Division for Ocean Affairs and Law of the Sea, for a very comprehensive report and review of the work done in this area.

Mr. Edwards (Marshall Islands): In my country's capacity as Chair of the South Pacific Forum, I have the honour to make a statement of a regional nature on behalf of the Forum members that are also Members of the United Nations. The members of that group may make additional statements as the debate progresses.

We are representatives of what has been called the aquatic continent. Our cultures and way of life are totally linked to the ocean, its currents and its bounty. For thousands of years we have relied on the sea for much of our livelihood. It is only in the last 100 years that we have seen serious encroachment on our very valuable resources. It was through concern over the loss of resources in other parts of the world, coupled with a fear that we might be seeing similar events happen in the Pacific, that some of our more prominent diplomats and officials became involved in the process of the United Nations Convention on the Law of the Sea. The proud heritage of the Pacific has been capped this year by the election of Ambassador Satya Nandan of Fiji to the post of Secretary-General of the International Seabed Authority. We are very pleased that the international community has honoured Fiji and our region in this way.

As is well known, Ambassador Nandan was a most able Chairman of the process which led to the adoption of the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. The process was fully supported by our delegations. Our deep involvement has continued this year, when our group of countries has been very actively involved in the formulation of the draft resolutions under all the sub-items before us. This important process has been rewarding in that we have a set of very balanced yet forward-looking texts. The delegations of the United States and New Zealand are to be thanked for their efforts in this regard.

We are now in the process of reviewing progress on a number of related issues under the United Nations Convention on the Law of the Sea, including fisheries conservation and management and efforts to reduce the incidence of illegal fishing practices. We are in full agreement with the draft resolution (A/51/L.21) now before us, which encourages all States that have made declarations upon signature, ratification or accession to review those declarations. In our view this is important in the light of articles 309 and 310 of the Convention, and there should be no doubt about the commitment of States to the Convention as an integral whole. We are also of the view that a similar principle applies to declarations made upon signature of the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. Our group wishes to reiterate the importance which our region has placed on the effectiveness of an international legal regime for oceans and their resources, including, in our view, providing adequate financial resources to the International Seabed Authority in Kingston, Jamaica. Furthermore, we need to maintain as far as possible the present level of resources for the Division for Ocean Affairs and the Law of the Sea here in New York, particularly at the important implementation phase now that the Convention has entered into force.

The world's seas and oceans are the common heritage of mankind, and together with the deep seabed are among our last frontiers. It is therefore in our interest to ensure that the International Seabed Authority is appropriately funded so as to accomplish its responsibilities and functions. There may also be a need to strengthen the Authority to take on fully the monitoring of seabed mining activities so as to ensure against the adverse environmental impact of current exploration and subsequent mining and related activities. It is relevant to note that the Authority will discuss mining codes at its March 1997 meeting.

My delegation warmly welcomes and fully supports the recommendation of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for the provision of some $4 million for the Authority for the year 1997. The budget will cover the administrative expenses of the secretariat of the Authority of over $2.5 million and the costs of conference servicing in the sum of $1.5 million. As stated in the report of the Advisory Committee, the conference-servicing costs will be provided within the existing provisions for that purpose. It is only the administrative expenses that have to be decided by the General Assembly. We are of the view

that, if necessary, this sum could be provided out of the Contingency Fund, as recommended by ACABQ.

The budget of the Authority is based on the careful and thorough examination carried out by the Finance Committee, the Council and the Assembly of the International Seabed Authority. Our delegations therefore fully support the proposed 1997 budget of the Authority and call upon all members of the General Assembly to give their full support to this budget.

This year at the regional meeting of the Forum hosted by my Government, the Forum leaders underscored the importance which Pacific fish stocks have for international trade and our livelihood. We recognize that this important resource must be managed sustainably to maximize its benefits to our region. In this connection, the Forum leaders have requested our regional experts to develop comprehensive agreements for the sustainable management of the region's fisheries across the full geographical range of the stocks, including the high seas, taking into account the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks opened for signature in New York last year. The Republic of the Marshall Islands has offered to host a second High-Level Multilateral Consultation on the Conservation and Management of Fisheries Resources of the Central Western Pacific next year to advance this process. This ministerial meeting will discuss a number of issues, including restocking, improved dialogue with interested countries in our region on matters relating to conservation and management, data-gathering on the range of the stocks, and trans-shipments.

There are therefore some very crucial elements which we must take note of regarding these draft resolutions before us. First, we must call upon all States to seek to become parties to all of these important treaties. Secondly, we must have strict and complete compliance by all interested countries in observing sustainable management and use of the natural resources of the oceans and seas. Thirdly, the international community must support efforts at the regional level which seek to establish a working, realistic framework for the management of resources at that level. In this regard, we draw attention to part VII of the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, which calls upon States and international organizations to provide financial and technical assistance to developing countries to implement that Agreement at the national and regional levels. Accordingly, we call upon members of the international community, and especially those that fish in our region, to provide the necessary financial and technical assistance to help facilitate the successful outcome of the regional meeting in the Marshall Islands. We intend to lodge this as an official request in the coming days.

Fourthly, we and many other concerned Governments have noted that there is a need for a more inclusive discussion of the issues related to the Law of the Sea. We therefore welcome the broadening of the agenda item at the next session, to be entitled "Oceans and the law of the sea". We are also pleased to see the provision, in draft resolution A/51/L.21, for a forward-looking agenda in that new and emerging issues can be discussed under this item. For us in the Marshall Islands this is particularly important because of the problems we have faced as a result of nuclear contamination. We are still not satisfied that all the necessary safeguards have been put in place to prevent leakage from other test sites in the Pacific. Moreover, we have been alerted to new issues such as endocrine disrupters, and we will continue to study this with interest.

The draft resolution before us on large-scale pelagic drift-net fishing, unauthorized fishing in zones under national jurisdiction and fisheries by-catch and discards draws attention to a number of damaging practices that continue to threaten a sustainable future for the world's living marine resources.

We, the States of the Forum, were at the forefront of international efforts to bring drift-net fishing to an end, both regionally and globally. The international community must remain ready to respond swiftly and strongly to any evidence that the global moratorium on this destructive practice is being breached. Accordingly, we will continue to monitor developments in this area closely.

Unauthorized fishing in zones under national jurisdiction also continues to be a problem around the world. The Pacific area we inhabit is characterized by vast areas of ocean within our exclusive economic zones. Ensuring effective compliance with our fisheries laws requires effective monitoring and surveillance. It is therefore vital that the international community also supports regional efforts at surveillance of the fisheries resources, as well as further research into the state of the different stocks of fish around the world. Our belief is that sustainable conservation and management, through regional and subregional cooperation in accordance with the provisions of the relevant international instruments, presents the only viable option for the international

community. We are committed to working together with other Members of the United Nations to secure that goal.

Mr. Wilmot (Ghana): Ghana welcomes the Secretary-General's reports on the Law of the Sea as contained in documents A/51/645, A/51/404 and A/51/383. The reports are well written and quite comprehensive, and we thank the Secretary-General and the Division for Ocean Affairs and the Law of the Sea for them.

The entry into force of the United Nations Convention on the Law of the Sea in 1994 was a great event for the international community. It constituted a significant step forward in the evolution of a legal regime to govern matters of the sea. The implementation of the Convention necessarily involves the establishment of the institutions created under the Convention, and also the coordination and harmonization of the legal issues and policy matters arising from the Convention.

The process or establishing the institutions is near completion. Matters concerning specific aspects of the ocean and related developments which affect Member States, particularly developing countries, will now have to be addressed. My delegation is confident that the spirit of compromise and mutual accommodation which characterized the institution-building phase of our collective endeavours will also be reflected at this stage.

The Secretary-General of the United Nations, serving as the coordinating bureau on ocean affairs and the law of the sea, has a crucial role to play in the overall implementation of the Convention. The United Nations, we believe, is suitably placed to ensure the initiation of policy objectives which will enhance the capacity of developing countries fully to utilize the benefits conferred on them under the Convention on the Law of the Sea.

In this connection, my delegation is pleased to note that the reports before us focus at length on the sustainable development of marine resources and the protection of the marine environment. The obligation to protect the marine environment and other related issues has been addressed by a large number of legal instruments at both the global and regional levels. These instruments recommend practices and procedures for marine environmental protection at various levels. However, we would urge all States parties to ensure that specific obligations assumed under separate treaty regimes are undertaken in a manner consistent with the general principles and objectives of the Convention. This would be in conformity with the provisions of paragraph 2 of article 237 of the United Nations Convention on the Law of the Sea, which provides as follows:

> "Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention."

Mr. Martinez Blanco (Honduras), Vice-President, took the Chair.

Uniformity and consistency of practices and regulation in this important sphere of the law of the sea are more likely to be reflected in other policy initiatives which seek to promote the development and maximum utilization of benefits deriving from the numerous uses of the ocean and the exploitation of its resources.

At this point, permit me to place on record Ghana's appreciation for the substantial work undertaken by the Commission on Sustainable Development, most particularly its review of chapter 17 of Agenda 21, which dealt with issues of substance in relation to the oceans, with specific reference to the marine environment.

We note with satisfaction that the recommendations of the Commission submitted to the General Assembly by the Economic and Social Council related to the following items: first, the establishment of institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; secondly, the introduction of periodic intergovernmental review of all aspects of the marine environment and related issues; thirdly, the implementation of international fishery instruments and progress made in improving the sustainability of fisheries; fourthly, ongoing review of the need for additional measures to address the issue of degradation of the marine environment from offshore oil and gas development.

We would urge closer collaboration between the various agencies and bodies handling issues relating to these specific areas. Such collaboration and cooperation would facilitate the formulation of practical recommendations for further consideration at the next session of the Commission for Sustainable Development.

Scientific and technological capacity is a vital factor in any attempt by States to deepen their knowledge of the

resources within their exclusive economic zones and to exploit these resources on a sustainable basis. It is, however, regrettable that in most developing countries this capacity is woefully inadequate or in most instances non-existent. Indeed, most developing countries do not even have the capacity to determine the resource content of their exclusive economic zones, nor can they protect or monitor its exploitation. Consequently, unscrupulous individuals and organizations literally steal from the exclusive economic zones of most developing countries. They combine reckless exploitation of living resources in these zones with the dumping of hazardous material and other equally repugnant activities contrary to international law and civilized conduct.

The situation calls for intensive efforts at multilateral and bilateral levels to equip developing countries with the requisite scientific and technological capacity to enable them to exploit the benefits due to them under the Convention as well as discharge their obligations thereunder. We accordingly welcome the substance of section XII of the Secretary-General's report (A/51/645) entitled "Technical cooperation and capacity-building in the law of the sea and ocean affairs".

We note with satisfaction that the Hamilton Shirley Amerasinghe Fellowship Programme continues to offer postgraduate research and training in the field of the law of the sea and related matters. We are grateful to the United Kingdom for its special contribution to the programme and urge other States in a position to do so to emulate the example of the United Kingdom.

Ghana also welcomes the new programmes on integrated coastal zone management. We are hopeful that this initiative will continue to receive support from the private sector. It is also our expectation that specialized bodies or agencies such as the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP) will increase their contribution to ensure the overall success of the programme and that they will also extend their activities to cover the development of country-specific programmes.

The progressive development of computer-generated information and databases on the law of the sea by the Division for Ocean Affairs and the Law of the Sea deserves commendation. It is particularly gratifying that the system has the capacity to monitor State practices. We commend all those whose efforts and sacrifices led to the realization of this goal. We have no doubt that the system will be of immense benefit to States, particularly those at the preparatory stages of their legislative process.

In conclusion, I wish once again to reiterate our appreciation for the Secretary-General's report on this subject. We believe that now is the time to strengthen our resolve and commitment to the overall effective implementation of the Convention. We must continue to highlight the importance of the Convention in our overall developmental effort. We must also expand our cooperation at all levels and on all aspects of the United Nations Convention on the Law of the Sea. My delegation supports the three draft resolutions introduced under this item.

Mr. Campbell (Ireland): I have the honour to speak on behalf of the European Union on agenda item 24, "Law of the sea". The following associated countries align themselves with this statement: Bulgaria, Cyprus, Czech Republic, Estonia, Romania and Slovakia.

The entry into force on 16 November 1994 of the United Nations Convention on the Law of the Sea constituted a remarkable legal and, indeed, on a wider plane, human achievement. It would be difficult to overstate the complexities of the negotiations leading to its adoption, and to the adoption and subsequent entry into force on 28 July 1996 of the Agreement relating to the Implementation of Part XI of the Convention, which facilitated wide acceptance of the two instruments as a package. It is thus a matter of considerable satisfaction that the number of States parties to the Convention has, in recent months, passed the significant number of 100 — it has now, I understand, reached 109 — including States from all geographical regions and representing a wide range of interests. Prospects are bright that the number will continue to increase and we hope that universal participation will not long be delayed.

In this respect, the Union has pleasure in reporting that the European Community expects to be in a position to become a party to the Convention. The necessary preparations are well advanced, including the preparation of the declaration on the competencies of the Community, as required under article 5, paragraph 1, of annex IX to the Convention and article 4, paragraph 4, of the Agreement.

The past 12 months have also seen advances in activity in regard to institutions provided for in the Convention. The Assembly of the International Seabed Authority held its second session, in the course of which

it elected the Council. Subsequently, it elected the Secretary-General of the Authority, Mr. Satya Nandan, from among the candidates nominated by the Council. Thus, all three principal organs of the Authority have now been constituted and have embarked upon their functions.

Among the further institutional decisions taken were the election by the Assembly of the Finance Committee and the election by the Council of one of its organs, the Legal and Technical Commission. The first annual budget of the Authority was also adopted. Last October the General Assembly granted the Authority observer status at the United Nations. Thus, there is a satisfactory picture of the International Seabed Authority organs tackling their tasks in a businesslike manner.

The fifth Meeting of States Parties to the Convention in July of this year also resulted in very important institutional progress in the form of the election of the 21 members of the International Tribunal for the Law of the Sea. The newly elected Judges made the requisite declarations, and the Tribunal was inaugurated in Hamburg on 18 October last. It is anticipated that at the next meeting of States Parties to the Convention the members of the Commission on the Limits of the Continental Shelf will be elected. The European Union welcomes these and other advances in the implementation of this extremely important Convention and looks forward to continuing advances.

The European Union has two particular observations to make in regard to the Convention. Its integrity is of vital importance, a point made eloquently and with great emphasis by Ambassador Koh, the President of the Third United Nations Conference on the Law of the Sea, at its concluding session. Thus, article 309 of the Convention prohibits reservations and exceptions other than the very few expressly permitted in other articles.

Although article 310 indicates that declarations or statements are permissible, the European Union wishes to reiterate the prohibition on States' making declarations or statements that purport to exclude or modify the legal effects of the provisions of the Convention in their application to those States.

Many declarations and statements have been made by States, and the European Union is concerned that many of these are not in conformity with the Convention. It therefore urges all States that have made statements or declarations to review them in the light of the provisions of articles 309 and 310 and to withdraw those that are not in conformity with those provisions. While, of course, any declaration or statement that purports to exclude or modify the legal effect of the provisions of the Convention is devoid of effect, its maintenance on the record is misleading. It may cast doubt on the commitment of the State concerned to the Convention and can only have a weakening effect on the Convention. We note that a number of States have made clear on the record the unacceptable nature of such statements and declarations. The Union welcomes in this respect paragraphs 2 and 3 of draft resolution A/51/L.21 and hopes that the next report of the Secretary-General will cover this matter.

The European Union regards part XV of the Convention, on the settlement of disputes, as an extremely important section, with its potential to prevent the escalation of disputes. We have, of course, already referred to the inauguration of the International Tribunal. Article 287 of the Convention sets out the several available means of settlement of disputes as follows: first, the International Tribunal for the Law of the Sea established in accordance with annex VI of the Convention; secondly, the International Court of Justice; thirdly, an arbitral tribunal constituted in accordance with annex VII of the Convention; and, lastly, a special arbitral tribunal constituted in accordance with annex VIII for one or more of the categories of disputes specified therein.

It also provides a facility for States to choose between them through a written declaration on ratification or accession, or thereafter. The Union believes that utilization of this facility would enhance the effectiveness of part XI, and it urges States to consider making the declaration. The jurisdiction of the International Tribunal, as set out in article 21 of its statute, which is annex VI to the Convention, comprises all disputes and applications submitted to it in accordance with the Convention and all matters specifically provided for in any other agreement which confers jurisdiction on it.

The European Union also wishes to restate its commitment to international cooperation in the management and conservation of living marine resources, and we wish to stress the importance which we attach to the fishery issues that are included under this agenda item. In this regard, the European Union is pleased to join in the consensus on the two fisheries draft resolutions before the General Assembly, that on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of

Straddling Fish Stocks and Highly Migratory Fish Stocks and the second draft resolution, on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and fisheries by-catch and discards.

Mr. Tello (Mexico) (*interpretation from Spanish*): We should like to express our appreciation to the Secretary-General for his wide-ranging yearly report on the law of the sea. We note with pleasure that the activities of the Organization are contributing to the effective, uniform and consistent application of the provisions of the United Nations Convention on the Law of the Sea and that they are playing an important part in consolidating its regime.

Considerable progress has been achieved in 1996 with regard to the law of the sea. The process of establishing the institutions provided for in the Convention was greatly furthered. The number of States that have ratified this important instrument bodes well for its universality. We should like to express our satisfaction at the creation of the Council of the International Seabed Authority, the election of the members of the Legal and Technical Commission and Finance Committee and the election of the Secretary-General of the International Seabed Authority, as well as the establishment of the International Tribunal for the Law of the Sea. We hope that the Commission on the Limits of the Continental Shelf will be able to begin its work in the near future.

In order for the Convention effectively to achieve its objective of strengthening peace, security, cooperation and friendly relations among all nations, in accordance with the principles of justice and equality of rights, it is necessary to ensure that both its bodies and institutions, as well as those sectors of the United Nations Secretariat charged with providing services to the secretariat of the Convention, develop the necessary capacity to discharge their respective mandates. At the same time, the States parties must strive to harmonize their national legislation with the provisions of the Convention.

As a State party to the Convention and as a sponsor of draft resolution A/51/L.21, my delegation would like to express its support for all those organs, institutions and areas. We reiterate our readiness to cooperate closely in their work.

The administrative costs of the International Seabed Authority should initially be financed through the regular budget, in accordance with General Assembly resolution 48/263 and its annex. We believe that as long as this responsibility falls on the United Nations it must ensure that it has the necessary resources to move ahead in the implementation of its substantive programme of work, in accordance with this instrument. We hope that the 1997 budget submitted by the Authority, which is currently being analysed, will be adopted as soon as possible.

I now wish to address the subjects relating to the conservation and management of highly migratory fish stocks, large-scale pelagic drift-net fishing and by-catch. In doing so I wish to reiterate the commitment of the Government of Mexico to achieve the sustainable exploitation of living marine resources and to promote at the same time the preservation and conservation of the marine environment. This is the spirit which has driven my country's participation in the preparation of various regional and international instruments on this topic.

We have undertaken various actions at the national level to implement the agreements reached in these areas, in compliance with our multilateral commitments. The seriousness with which my country's Government has applied effective measures to achieve the goals of sustainable development in the fishing sector has already been acknowledged by the international community.

Mexico is unambiguously committed to international instruments that govern fishing on the high seas. We have wide-ranging experience in the implementation of an international regime for successfully managing fishing resources on the high seas. This is the case with regard to our participation in the Agreement to Reduce Dolphin Mortality in the Eastern Tropical Pacific Tuna Fishery within the context of the Inter-American Committee on Tropical Tuna. The International Review Panel that operates in this framework, composed of representatives of Governments, producers and environmental groups, meets three times yearly to assess the conduct of the tuna fleet and to report cases of non-compliance by Member States. This Agreement has already set an important precedent at the international level as a suitable mechanism for protecting a migratory resource of importance to various countries.

At the national level my country has pursued for some years a solid, viable, scientifically based programme to ensure the sustainability of tuna fishing and to guarantee the preservation of all living marine resources. This programme is in accordance with the principles of the La Jolla Agreement and the Declaration of Panama, which Mexico has signed. In particular, it is in accordance with the principles established by the Food and Agriculture Organization of the United Nations Code

of Conduct for Responsible Fisheries, the adoption of which was actively promoted by the Government of Mexico.

This is a demonstration of our firm commitment to the principles contained in those instruments: multilateralism, the responsible utilization of renewable resources to ensure the continued availability of a valuable source of protein, employment for our people, the effective preservation of marine mammals and the use of science to protect a complex and delicate ecosystem.

However, the efforts and, above all, the important achievements that have been made to protect living marine resources, such as those of Mexico and of other member countries of the La Jolla Agreement, are threatened by desires that are alien to the protection of the environment and that place economic and protectionist interests before a responsible policy of protection and conservation of the marine ecosystem. These interests close their eyes to scientific evidence, which is the foundation of the measures that have been adopted in that and other multilateral forums.

My country is subject to a trade embargo that was unilaterally imposed in October 1990. The most significant consequence of this sanction has been the application of secondary embargoes that have led to the closure of other markets that are equally important to our national economy. It is estimated that the accumulated loss caused by the tuna embargo exceeds $350 million. Moreover, this measure has led to the closure of important canning industries, the paralysis of tuna boats and the loss of a source of work for approximately 6,000 workers.

In this context, my delegation would like to reiterate its deep concern over continued unfair practices within the context of international trade in fishing resources. It cannot but deplore the use of non-tariff barriers based on environmentalist, trade and phyto-sanitary arguments that have been imposed on various fish products from Latin America, particularly tuna. We reject the unilateral implementation of sanctions that are contrary to international law, lack scientific foundations and are counter-productive for the conservation of ecosystems and marine biodiversity.

Mexico will continue to honour the international commitments we have entered into, and we will continue to implement measures, as we have done to date. We will continue to demonstrate clearly our determination to ensure the sustainable exploitation of living marine resources. We trust that these efforts and measures will be fully acknowledged.

Mr. Pell (United States of America): I am greatly honoured to have the opportunity to address this body today to discuss a subject dear to my heart, one with which I have been involved for 50 years of my working career — namely, the law of the sea.

Today the United States once again wishes to acknowledge its long-standing support for the 1982 United Nations Convention on the Law of the Sea, which now has been ratified by 109 States. It is one of the most ambitious and complex treaties ever concluded under the auspices of the United Nations.

The United States supports the United Nations Convention on the Law of the Sea as modified by the 1994 Agreement relating to the Implementation of Part XI of the Convention. It represents a substantial achievement, embodying the unlimited possibilities that States with widely divergent views can enjoy if they work with a common resolve to create an instrument of lasting good, serving the interests of all. We are working toward its ratification, with the necessary advice and consent of the United States Senate.

We urge States to review the considerable number of declarations or statements made upon signature, ratification or accession, with a view to withdrawing those that are not in conformity with the Convention. While article 310 provides that a State may make a declaration or statement, the declaration or statement cannot purport to exclude or modify the legal effect of the provisions of the Convention in their application to that State. Article 309 of the Convention prohibits reservations, except where expressly permitted by its other articles. We support the European Union's suggestion that the Secretary-General address this issue in his next report to the General Assembly.

It is also our view that all law of the sea and ocean-related issues on the General Assembly's agenda, including those pertaining to the marine environment and fisheries, should be taken up under a single, unified agenda item rather than dealt with in a piecemeal fashion. The United Nations Conference on Environment and Development in Rio de Janeiro, as well as the Commission on Sustainable Development, endorsed recommendations that there be an annual overview of ocean issues in the General Assembly. We therefore favour inclusion in this draft resolution of a provision

calling for ocean issues at the fifty-second session of the United Nations General Assembly, and subsequently, to be taken up under a single consolidated agenda item entitled "Oceans and the law of the sea".

This year's draft resolution notes the entry into force on 28 July 1996 of the Agreement relating to the Implementation of Part XI of the Convention. This past year has seen the establishment of the International Seabed Authority, including its subsidiary organs: the Council, the Finance Committee and the Legal and Technical Commission. We are confident that the market-oriented reforms envisioned in the 1994 Agreement will be effectively implemented.

Of equal importance is the establishment in Hamburg in 1996 of the International Tribunal for the Law of the Sea. In all cases, recognizing the fiscal challenges inherent in the establishment of these important bodies, the States parties adopted an evolutionary, cost-effective approach which could serve as a model for other organizations within the United Nations system.

In 1997, we look forward to the establishment of the Commission on the Limits of the Continental Shelf, another important technical organ that will address issues related to national claims to the outer limits of the continental shelf.

We also look forward to continued steady progress on the protection of the marine environment. This year's draft resolution takes note of the Washington Declaration and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

The Global Programme of Action, adopted by an intergovernmental conference convened by the United Nations Environment Programme, provides a comprehensive framework for protecting the world's coastal areas and marine environment. It calls for the development of a global, legally binding instrument to phase out and eliminate persistent organic pollutants. The Programme, which emphasizes the need for action at the national level, further seeks to establish a clearing-house mechanism to facilitate information exchange on land-based marine pollution. Such a mechanism would allow developed and developing countries to share information on numerous land-based activities, such as, for example, sewage and waste water, heavy metals, nutrients and sediments.

We believe that it is important to encourage institutional arrangements which facilitate cooperation between the many United Nations organizations and specialized bodies that are stakeholders in the well-being of the oceans. These organizations provide valuable information allowing government leaders to make enlightened decisions regarding our shared resources. To this end, the United States places vital importance in and encourages the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat to continue to keep this Assembly apprised of all ocean-related activities.

In summary, the objectives of the United States continue to be the promotion of widespread adherence to and implementation of the provisions of the United Nations Convention on the Law of the Sea; implementation of the Agreement in a cost-effective manner, with budgets held to the minimum; and provision for an annual overview of ocean issues in the General Assembly under a single agenda item.

To do this, we must recognize the high ideals envisioned by the drafters of this important Convention on the Law of the Sea. As a framework, it provides the basis for addressing the pressing marine environmental challenges we now face. It establishes firm and enforceable mechanisms to ensure the peaceful exploitation and sustainable development of the ocean's resources. It is up to all of us here to ensure its future success.

Mr. Iyambo (Namibia): It is now almost two years since the General Assembly, by its resolution 49/28 of 1994, decided to undertake an annual review and evaluation of the implementation of the United Nations Convention on the Law of the Sea and other developments relating to ocean affairs and the law of the sea. The same resolution requested the Secretary-General to report to the Assembly annually on developments pertaining to the implementation of the Convention, as well as on other developments relating to ocean affairs and the law of the sea.

My delegation welcomes the report of the Secretary-General, contained in document A/51/404 of 25 September 1996, regarding drift-net fishing and its impact on the living marine resources of the world's oceans and seas. Of particular note is paragraph 20 of the report, under the heading "Information provided by international organizations" and under the subheading "Conclusion", which states that:

> "On the basis of information available to FAO, the incidence of large-scale pelagic drift-net fishing in contravention of General Assembly resolution 46/215 and subsequent resolutions declined marginally in the 1995/96 period." (*A/51/404, para. 20*)

However, we have also noted with great concern that large-scale pelagic drift-net fishing is still taking place in some parts of our oceans and seas.

Namibia supports the efforts to curb large-scale drift-net fishing on the high seas in declared fishing zones and exclusive economic zones. In fact, Namibia has already banned drift-net fishing in its waters. Any person who catches fish by means of a drift-net shall be guilty of an offence and liable, on conviction, to a fine or imprisonment or both. The Namibian Government has undertaken a major and successful surveillance and enforcement programme to deter other nations from unauthorized fishing in Namibian waters and has put in place tight controls on discards of unwanted catches and wasteful fishing practices.

Furthermore, Namibia applauds and extends gratitude to the Secretary-General for the reports contained in documents A/51/383 of 4 October 1996, relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, and A/51/645 of 1 November 1996.

The adoption of the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks constitutes another significant landmark in the history of the United Nations and demonstrates the international community's desire to improve cooperation on marine issues. The Agreement will no doubt promote better management and conservation of living marine resources and will make a significant contribution to the international legal maritime order.

It is well known that Namibia is among the countries whose marine resources were exploited and plundered mercilessly by foreign trawlers during the pre-independence period. At independence in 1990, the National Assembly of the Republic of Namibia passed legislation to establish Namibia's exclusive economic zone. Thus, Namibia became one of the most recent States to take on the rights and responsibilities associated with the 1982 United Nations Convention on the Law of the Sea. Indeed, by passing this act, Namibia committed itself to a policy of responsible management and development of fisheries resources, with the two main goals of rebuilding stocks and securing benefits for Namibians from the marine resources off our shores.

Since then Namibia has built a fishing industry with an output valued at over $300 million annually, contributing between 25 to 30 per cent of Namibia's exports and providing 14,000 to 15,000 jobs. We have found the road to rebuilding our fish stocks from depleted levels to be long and hard. After five years of very conservative management, our major stocks are still only in aggregate at about half the level we think is sustainable, but we remain committed to management strategies that will continue to rebuild our stocks.

Namibia is a nation that continues to suffer from the effects of destructive fishing levels and practices, but Namibia has strongly supported recent moves for greater international, regional and subregional cooperation in the conservation and sustainable use of fish resources. Namibia knows only too well, from experience in our waters before independence, the immense destructive effect that distant fishing fleets can bring to bear in areas where they are free to fish without control. In this regard, Namibia has initiated with its neighbours, Angola and South Africa, discussions towards the establishment of a subregional organization for the purpose of conservation and sustainable use of the fish stocks of the high seas in our subregion. We look forward to working with other interested States beyond our region that are committed to enhancing global fishery resources by means of responsible fishing practices on the high seas of the South-East Atlantic.

Namibia reaffirms its support for the cooperative international and regional marine management Agreement aimed at protecting and conserving the marine environment, as embodied in the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries. Namibia signed the Agreement, and the Assembly can be assured that Namibia will ratify it in the first half of 1997.

Finally, we note with satisfaction that most institutions relating to ocean affairs have now been established — the International Tribunal for the Law of the Sea, the Council of the International Seabed Authority, its Legal and Technical Commission and Finance Committee — and the Secretary-General of the Authority has been elected. Namibia offers its congratulations to all those individuals who have been

elected to those bodies and those who have worked so hard to establish those ocean institutions, and pledges to seriously discharge the responsibilities that it has taken on as a member of the Council of the International Seabed Authority.

Mr. Mpay (Cameroon) (*interpretation from French*): I wish first to thank the Secretary-General, and through him the entire Division for Ocean Affairs and the Law of the Sea, for the quality of the reports that provide the basis for the debate on agenda item 24 of the General Assembly, entitled "Law of the sea".

My delegation welcomes the fact that this item covers not only new developments on adherence to and implementation of the 1982 Convention on the Law of the Sea, including the establishment of the institutions it provides for, matters that the General Assembly has been following since 1983, but also all related issues pertaining to the conservation and management of biological resources of the seas and oceans previously considered by the Second Committee. This helps in the efforts under way to streamline the work of the Assembly.

A reading of the aforementioned reports shows that there were many developments in 1996 pertaining to the law of the sea, in general, and the implementation of the Convention, in particular. The universal nature of the Convention continued to be strengthened, and the number of ratifications or accessions stands today at 106. The new ratifications and accessions have come especially from regions which until recently had the most reservations about the Convention.

The 1994 Agreement relating to the Implementation of Part XI of the Convention, which has facilitated the universalization of the Convention, entered into force on 28 July 1996. Cameroon ratified the Convention before the adoption of the Agreement, and signed and is applying the Agreement provisionally and intends to take the necessary steps for ratification. But the most outstanding event of 1996 is without a doubt the establishment of almost all the institutions provided for by the Convention.

Thus, the International Seabed Authority, which under article 157, paragraph 1, of the Convention, is charged with administering the common heritage of mankind — that is to say, the seabeds and ocean floors beyond national jurisdiction — and with establishing rules and regulations for the exploration and exploitation of seabeds and ocean floors, has become operational. Its major bodies — the Assembly, the Council and the secretariat — have been set up, as have the two subsidiary bodies, the Finance Committee and the Legal and Technical Commission.

The members of the International Tribunal for the Law of the Sea were elected by the States parties and officially assumed their duties on 18 October 1996. Furthermore, the list of experts for special arbitration, provided for in annex VIII of the Convention, was drawn up by the Food and Agriculture Organization of the United Nations (FAO), the World Meteorological Organization (WMO) and the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Several Governments have named arbitrators and conciliators pursuant to annexes V and VII of the Convention.

In electing Cameroon and Cameroonians to most of these institutions, the States parties to the Convention have recognized my country's constant contribution to the establishment of the new legal order for the seas and oceans, and we are immensely grateful to them for that recognition.

The establishment of the Commission on the Limits of the Continental Shelf, at the meeting of States parties, scheduled for March 1997, will complete the new system of institutions called upon to deal with everything pertaining to the oceans and the implementation of the Convention. The United Nations occupies an important place in this system, in view of the leading role the General Assembly has played in considering all matters relating to the Convention and, more generally, to maritime affairs, and in view of the special responsibility the Convention assigns to the Secretary-General.

All these positive developments, which we dared not even hope for a few years ago because there was so much criticism of the Convention, would not have been possible without our collective political determination to find formulas — though sometimes complicated ones — that made it possible to reconcile the various opposing interests.

My delegation hopes that these institutions will evolve, with account being taken of the close links between all the problems relating to oceans and seas and the need to consider them as a whole, as emphasized in the Convention. My delegation hopes above all that the political commitment without which the new institutions would not have emerged will make possible their development and consolidation for the good of all of

humankind, notwithstanding the financial difficulties of our respective countries.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): First of all, please allow me to congratulate the President of the Meeting of States Parties to the United Nations Convention on the Law of the Sea and the President of the Assembly of the International Seabed Authority on the remarkable successes achieved under their outstanding leadership at the Meting and the Assembly. I would also like to take this opportunity to thank members of the Secretariat for their good service to the Meeting and the Assembly.

The United Nations Convention on the Law of the Sea of 1982 and the Agreement relating to the Implementation of Part XI of the Convention are basic documents providing for legal order and the rights and interests of the international community in the seas and oceans and have established a completely new oceanic legal order. China actively participated in the formulation of the Convention and the Agreement and signed both documents on the very first day they were respectively open for signature. On 15 May of this year, the Standing Committee of the National People's Congress of China adopted the decision to ratify the Convention, and on 7 July of the same year China became a State party to the Convention.

The International Tribunal for the Law of the Sea, established under annex VI of the Convention, is a judicial organ with jurisdiction over disputes in all areas regulated by the Convention. It is also an important product of the development of the international law of the sea. Now that the Tribunal has been established, we hope that it will fulfil its duty in a truly effective manner.

The International Seabed Authority, established under part XI of the Convention, is an organ managing the resources of the seabed, ocean floor and its subsoil beyond the limits of national jurisdiction. The exploration and exploitation of natural resources of the international seabed area is in the interests of all mankind. The Authority should therefore intensify its efforts in this regard. China has fulfilled in good faith its obligations as a pioneer investor, thus making important contributions to the future exploration and exploitation of the Area. China, as always, will continue to participate in the work of the Authority and in related activities of international cooperation to promote the exploration and exploitation of natural resources of the international seabed.

After a three-year effort, on 4 August 1995 the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks finally adopted the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Chinese Government sent delegations to all sessions of the Conference and made its contributions to the conclusion of the Agreement. On 6 November 1996 the Chinese Government signed the Agreement. We believe that the Agreement will play a certain positive role in the conservation and management of marine fishing resources, particularly the living marine resources of the high seas. We hope that all States parties will implement the provisions of this Agreement bona fide and in accordance with the principles and provisions of the United Nations Convention on the Law of the Sea.

In formulating documents or making arrangements on the basis of this Agreement, the regions concerned should interpret the relevant provisions with goodwill and take into full account the rights and interests of the countries concerned under the Convention. Only in this way can the Agreement be fully complied with and the relevant regional arrangements or documents be practicable.

In order to safeguard the rights and interests of coastal States provided for in the Convention, China is in the process of updating its domestic maritime legislation. The People's Republic of China's law on the territorial sea and the contiguous zones was promulgated on 25 February 1992, establishing 12 nautical miles of territorial sea and 24 nautical miles of contiguous zones. On 15 May 1996 the Chinese Government issued a statement on the baselines of part of China's territorial sea adjacent to its mainland and those of the territorial sea adjacent to its Xisha Islands. In order to exercise sovereign rights and jurisdiction over its exclusive economic zone and continental shelf, China, in accordance with the provisions of the Convention, is now in the process of elaborating the People's Republic of China's law on the exclusive economic zone and continental shelf.

China has a long coastline and numerous islands, and its claims for an exclusive economic zone and continental shelf overlap with those of some neighbouring States with opposite or adjacent coasts. We believe that these problems should be worked out through negotiations, as provided for in articles 74 and 83 of the

Convention. In its decision to ratify the Convention, the Standing Committee of the National People's Congress of China also calls for delimitation of the boundary of maritime jurisdiction through consultations with States with coasts opposite or adjacent to China, respectively, on the basis of international law and in accordance with the principle of equity. China has already started such consultations with the States concerned, which have helped to enhance mutual understanding and trust.

With the support and assistance of the Chinese Government, the 24th Pacem in Maribus conference was held in Beijing last month. This non-governmental organization meeting, initiated by Professor Elisabeth Mann Borgese of Germany and the International Ocean Institute of which she is the Director, was attended by over 150 jurists and ocean scientists from China and more than 20 other countries. Extensive discussions were held on law, resources, environment and management of the oceans, centring around the theme of oceanic management and the twenty-first century. The Beijing declaration on oceans was adopted at the Conference. It proposes the establishment of a new oceanic order in the twenty-first century, as well as the joint management and scientific development of marine resources on an equitable and peaceful basis so as to maintain the ecological balance of oceans and achieve the sustainable development of marine resources. It calls on States parties to the Convention to strengthen cooperation and establish joint management and development zones of marine resources. It also emphasizes peaceful settlement of disputes between States over islands and territorial seas.

The future of mankind hinges on oceans. A new era has come for the joint development and exploitation of marine resources. All countries should strengthen cooperation and jointly manage, develop in a scientific manner and intensify protection of marine resources so that they can bring greater benefit to mankind.

Ms. Hakim (Indonesia): It is with deep satisfaction that my delegation is participating in the debate on the item entitled "Law of the sea". In the 14 years since the 1982 United Nations Convention on the Law of the Sea was adopted, its achievements have surpassed our expectations. It has become the primary source of contemporary international law governing man's activities in the oceans. This innovative document has established a comprehensive legal regime for the uses of the sea and equity in the distribution of its resources. It has replaced instability and confusion with generally acceptable legal norms that have guided State practice. The Convention has also had a significant impact on promoting cooperation between States on all ocean-related matters. It symbolizes the beginning of a new era in the codification of international law. It is a product of long and intensive negotiations — a process that took into account the interests of all States: developed, developing, coastal and landlocked States.

Our deliberations are being held against the backdrop of some significant developments, as reported in the Secretary-General's report on the law of the Sea (A/51/645). Over the past year, the entry into force, on 28 July 1996, of the Agreement relating to the Implementation of Part XI of the Convention was followed by its ratification by more than 100 States parties to the Convention, marking the culmination of what can aptly be described as the most significant body of international law since the principles and precepts enshrined in the United Nations Charter. This has paved the way for the establishment of new ocean institutions, including the International Seabed Authority and the International Tribunal for the Law of the Sea.

Furthermore, it is pertinent to note that the International Seabed Authority has concluded, in accordance with the Convention, the adoption of its budget and elections for the members of the Finance Committee and the Legal and Technical Commission. We are heartened that the next step of the process will be completed with the election of members of the Commission on the Limits of the Continental Shelf, scheduled to be held during the Meeting of the States Parties to the Convention in March 1997. Indeed, all these important milestones augur well for the full application and implementation of the many facets of this landmark document.

Indonesia, as an archipelagic State, is a firm supporter of the Convention and, ever since ratification in 1985, has been committed to the task of reviewing its legislation with a view to harmonizing national laws to make them consistent with the provisions of the Convention and also to providing new laws and regulations. Towards this objective, Indonesia enacted Law No. 6/1996, of 8 August 1996, to govern its waters in conformity with the provisions of the Convention.

In line with the spirit of the Convention on the Law of the Sea, Indonesia and its neighbouring States have actively promoted regional cooperation, particularly to prevent conflicts in the South China Sea and in the Pacific and Indian Oceans within the context of preventive diplomacy. In this regard, it was pleased to host a series of workshops on managing potential conflict

in the South China Sea, which contributed to fostering confidence-building measures and promoting cooperation among regional States on the protection of the marine environment and resource management.

Furthermore, Indonesia has participated within the framework of the Indian Ocean Marine Affairs Cooperation (IOMAC), which is based in Colombo, which has initiated various programmes to promote cooperation in the Indian Ocean region. One important form of cooperation is the establishment of institutional arrangements effectively to manage and develop tuna resources. In this regard, my delegation should like to inform the Assembly that Indonesia is currently in the process of ratifying the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC). Indonesia has also exerted its efforts to enhance cooperation for the conservation and management of shared resources, particularly tuna, between South-East Asia and the South Pacific, as well as between South Pacific and Pacific Latin American countries.

The adoption of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was indeed a timely and important development to overcome the problems of excessive over-fishing on the high seas and coastal waters of States.

In this regard, my delegation has noted the contents of the Secretary-General's reports on this item (documents A/51/383 and A/51/404), particularly the information provided by international organizations and the report of the Food and Agriculture Organization of the United Nations (FAO), which, following its examination of approximately 70 per cent of the world's marine capture fisheries resources, concluded that there was no major improvement in the conservation and management of fisheries resources.

It is against this backdrop that the ratification by States and strict implementation of the provisions of the United Nations Agreement within the framework of the Convention are deemed essential. At the same time, the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the 1995 Code of Conduct for Responsible Fisheries are other important initiatives in addressing the need for rational and long-term utilization of high seas fisheries.

For developing countries, technical cooperation plays an essential role in enabling them to meet their responsibilities and to enhance their ability to participate in utilizing fisheries resources in the high seas and coastal waters. As was stressed in the Final Document of the Tenth Summit of the Non-Aligned Movement held in Jakarta in September 1992 and later reiterated at the meeting held in Cartagena last year, North-South and South-South cooperation is indispensable for accelerating development. In this regard, my delegation is of the view that various models, arrangements and initiatives, such as the South Pacific Forum Fisheries Agency and IOMAC could be strengthened and utilized for implementing the relevant provisions of the United Nations Agreement. For the appropriate management of high seas fisheries as well as that of the exclusive economic zones, the developed countries should transfer the necessary technology to developing countries to enable them better to conduct scientific research, handle data and pursue fisheries operations in a more responsible manner.

We now face the formidable task of implementing the comprehensive global framework of ocean management. It is therefore imperative that the General Assembly remain seized of this item not only to ensure the development of newly created ocean institutions, but also to enhance cooperation in the field of ocean activities.

Finally, as in previous years, the Indonesian delegation takes great pleasure in being a sponsor of the draft resolution on the law of the sea and hopes that Member States will lend it their support.

Miss Durrant (Jamaica): On behalf of the member States of the Caribbean Community (CARICOM) which are Members of the United Nations, I wish to thank the Secretary-General for the reports contained in documents A/51/383, A/51/404 and A/51/645, submitted under agenda item 24, "Law of the sea".

This subject is one of tremendous importance to the delegations of the member States of CARICOM. Most of our countries are island developing nations and all are washed by the waters of the Caribbean Sea.

We recognize the importance of the effective implementation of the United Nations Convention on the Law of the Sea and its uniform consistent application. We have a deep-rooted interest in the regime for the ordering of affairs concerning the seas and ocean space. The preservation and responsible exploitation of these

resources, respect for sovereign rights over territorial waters while respecting freedom of navigation on the high seas, concern for the marine environment and a commitment to the harnessing of the vast resources of the oceans and ocean floor in the interests of all mankind are principles and practices to which our countries are committed.

It is therefore an honour for CARICOM that Jamaica hosts the headquarters of the International Seabed Authority, which has a vital leadership role to play in the law of the sea and ocean affairs.

Our delegations are pleased that, early this year, the International Seabed Authority finally established its institutional framework with the election of a Secretary-General, Ambassador Satya Nandan of Fiji, the election of a President of the Assembly, Mr. Lennox Ballah of Trinidad and Tobago, and the constitution of its Council and vital committees.

The Authority is now poised to begin in earnest the significant task ascribed to it by the international community. It will do so with the blessing and support of the General Assembly, which, in resolution 48/263, wisely provided for the proper launching of the Authority by providing for its funding for one year after the coming into force of the implementing Agreement.

Our delegations welcome the fact that the International Tribunal of the Law of the Sea has been constituted and was inaugurated in Hamburg, Germany, in October this year. CARICOM is pleased that our region was able to contribute two judges to the panel of the Tribunal, Ambassador Edw ard Laing of Belize and Mr. L. Dolliver Nelson of Grenada.

We look forward to the constitution of the Commission on the Limits of the Continental Shelf in March 1997, as this will complete the establishment of institutions required under the Convention.

We call for the fullest understanding and cooperation between the United Nations and the new institutions for the law of the sea. This should include not only technical collaboration, but also administrative support and assistance in this crucial start-up phase. The United Nations, we believe, should facilitate full access to the common system and other administrative facilities pending the negotiation of full-relationship agreements with the International Seabed Authority and the International Tribunal for the Law of the Sea. Since the Convention on the Law of the Sea entered into force in 1994, 28 more States have acceded to the Convention, bringing the number today to 109. We urge all States not now parties to accede to the Convention as soon as possible so that the goal of universal acceptance of the Convention may be achieved.

It is gratifying to note that many States have begun to consider and apply the important provisions of the Convention in delimiting maritime boundaries and in developing important and relevant aspects of national legislation.

The oversight role of the General Assembly and the continuing submission to it of comprehensive reports on matters pertaining to the law of the sea and ocean affairs are very important. This oversight role will no doubt be enhanced by the participation of the main organs created under the Convention — the International Seabed Authority and the International Tribunal for the Law of the Sea — in the work of the Assembly. We are pleased that the Authority has been granted observer status in the General Assembly and look forward to similar action being taken with respect to the Tribunal in the coming days.

CARICOM countries place strong emphasis on the law of the sea and its relationship to issues affecting small island developing States. In this connection, we wish to draw the Assembly's attention to the provisions of Agenda 21 and the Barbados Programme of Action for the Sustainable Development of Small Island Developing States relating to the protection of oceans, seas and coastal zones.

Small island developing States are most sensitive to the impact of developments within or affecting the seas and ocean spaces. In the relevant provisions of Agenda 21 and the Barbados Programme of Action, emphasis is placed on the sustainable development of oceans and seas and on the protection and preservation of the marine environment. In the Caribbean, meaningful steps are being taken to address the marine environmental concerns of the region within the context of the Caribbean environment action plan as part of the Regional Seas Programme of the United Nations Environment Programme. Draft resolution A/51/L.21 before us makes reference to these matters and takes note of the need for cooperation at all levels in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans.

An important element in our consideration of the law of the sea and ocean affairs must be the development and transfer of technologies which can effectively harness the vast resources of this area. Efforts by a number of States to develop pioneering technology for seabed mining and ongoing research on the preservation of the marine environment, as well as the beneficial exploitation of marine resources, are encouraging. We look forward to the progressive development and sharing of technology in this important area.

We must also be mindful of the relevance of the law of the sea to the development and preservation of international peace and security. The Convention provides a most important framework for action on matters such as jurisdiction over territorial waters, responsibilities in the exclusive economic zone, the delimitation of maritime boundaries and the designation of archipelagic areas. The framework has given clarity to processes which might otherwise have been more difficult and subject to great uncertainty. It has helped many States to order relevant national legislation and agreements with other States.

Our delegations wish to reiterate our concern that, in regions such as ours — with its fragile ecosystem and the dispersal of small inhabited island States throughout the Caribbean — all parties show due concern for the potential impact of the movement of hazardous materials.

I wish to re-emphasize how important it is that this Assembly ensure that the International Seabed Authority be given adequate resources to ensure that it is properly established. Its Assembly and its Finance Committee have submitted a carefully considered budget which has been meticulously tailored to fit the needs of the Authority in its establishment phase. The budget will be before the General Assembly in the next few days.

We wish to express our support for the United Nations Convention on the Law of the Sea and for ongoing efforts to strengthen regimes to protect maritime areas and to foster the beneficial use of the many resources of the seas and oceans for the benefit of mankind. In this connection, we are pleased to give our support to the draft resolutions contained in documents A/51/L.21, A/51/L.28 and A/51/L.29. We call on all delegations to give their support to these draft resolutions.

Mr. Hahm (Republic of Korea): On behalf of the delegation of the Republic of Korea, I would like to express our sincere appreciation to Mr. Hans Corell, United Nations Legal Counsel, and his staff for their valuable work on the comprehensive and informative reports of the Secretary-General, as contained in documents A/51/383, A/51/404 and A/51/645. Our deep thanks also go to our distinguished colleagues of New Zealand and the United States, who successfully conducted the informal consultations on draft resolutions A/51/L.21, A/51/L.28 and A/51/L.29.

Two years have passed since the entry into force of the United Nations Convention on the Law of the Sea. The adoption of the Convention was epochal in the sense that it marked the establishment of a new global maritime order by the international community through compromise and accommodation rather than through the whim of laissez-faire or the use of force. Over the past two years, 49 countries have ratified and acceded to the Convention, bringing the total number of States parties now to 109. My delegation welcomes the rapid increase in the number of States parties that has occurred since the entry into force of the Convention.

For the Convention to have a universal character, however, it will require the participation of many of those countries that have not yet become States parties. Given the paramount importance of law and order on the sea to the peace and prosperity of mankind, and the enormous contribution of the Convention towards this end, it is essential that the Convention be granted the universality necessary for it to become a new charter, governing all the matters of the oceans. The fundamental objective of the Convention is to promote the peaceful, sustainable and harmonious use of the sea, which will require all States to adhere to the Convention's letter and spirit. In this vein, I wish to echo the appeal of other previous speakers to non-States parties to ratify or accede to the Convention as early as possible.

As a maritime State, my country attaches great importance to the successful conclusion and effective implementation of the Convention. The Republic of Korea became a party to the Convention through the deposit of its instrument of ratification last January. Along with measures to join the new regime on the law of the sea, my Government has also introduced a series of measures to bring its domestic laws and regulations in line with the provisions of the Convention. For this purpose, the Korean Government revised its Territorial Sea and Contiguous Zone Act last August and enacted the Exclusive Economic Zone Act last September. Earlier this year, a new Korean Ministry of Ocean and Fishery Affairs was established to give greater breadth and coordination to our approach to ocean and fishery affairs.

We believe that these combined measures will enable the effective and efficient implementation of the Convention in Korea.

With the establishment of various organs under the Convention this year, the Convention's legal regime is entering a new phase of concrete action. Together with the entry into force last July of the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention, the completion of the composition of the Council of the International Seabed Authority and its two subsidiary bodies, the Finance Committee and the Legal and Technical Commission, offers us a fair chance to embark on institutional preparation for deep-seabed mining.

We would also like to welcome the inauguration last October of the International Tribunal for the Law of the Sea, which we believe will play a pivotal role in the peaceful settlement of disputes arising from the interpretation or application of the Convention. Following the last remaining election of members of the Commission on the Limits of the Continental Shelf next March, the institutional regime of the Convention is expected to be complete and fully operational.

Let me now turn to fishery-related issues. It is my pleasure to announce that the Government of the Republic of Korea, on 26 November 1996, signed the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Korean Government intends to submit the Agreement to the National Assembly for ratification next year.

As a responsible fishing State, Korea has relied on a consistent policy of positively contributing to the conservation and management of marine living resources for sustainable utilization. Pursuant to chapter 3 of the Agreement on straddling fish stocks and highly migratory fish stocks, the Republic of Korea actively participated last year in the various regional fishery organizations encompassing the northern and southern Pacific, the Indian Ocean and the Atlantic Ocean. This coming year, we plan to expand our participation further to include other regional fishery organizations, such as the Convention for the Conservation of Southern Bluefin Tuna (CCSBT) and the North Pacific Anadromous Fish Commission (NPAFC).

In light of the consistent efforts of the Korean Government faithfully to live up to all relevant resolutions of the General Assembly related to fisheries, it is regrettable that the section of the report of the Secretary-General (A/51/404) on drift-net fishing contains an unfounded allegation that Korean vessels are engaged in drift-net fishing in the Mediterranean Sea. I would like to make it clear once again that the Government of the Republic of Korea has, since January 1993, taken all necessary measures to suspend drift-net fishing operations by Korean flag vessels, in full compliance with General Assembly resolution 46/215. At considerable financial and social cost, the Korean Government has scrapped all remaining drift-net fishing vessels and diverted fishermen to alternative employment. We would like to request that the Secretariat correct this unfair inaccuracy in an appropriate manner and that, in future, it verify with the authorities concerned, prior to publication, the authenticity of similar information to be contained in reports.

It has taken more than a decade to bring into effect the new law of the sea enshrined under the Convention. We may perhaps have to wait another decade to see the objectives of the Convention fulfilled at the domestic level. Given the broad scope and complex array of national interests involved, the road to domestic implementation may be a rocky one. Yet the willingness of each State party to adhere to the Convention in the process of domestic implementation is essential for making it an effective, viable and enduring legal instrument. In this regard, States parties to the Convention should step up concerted efforts to strengthen technical cooperation and information sharing with a view to ensuring the uniform and consistent application of the Convention and a coordinated approach to its effective implementation.

Meanwhile, many law of the sea issues are prone to disputes due to their far-reaching economic, military, social and political implications. It is thus imperative for the peace and security of the international community that all maritime disputes be settled through the peaceful means set forth in the Convention. A wide range of real or potential disputes regarding fishing, navigation, delimitation, marine pollution or marine scientific research are currently looming over most of the world's oceans. The successful establishment of the new maritime order now hinges on whether we are able to resolve our maritime disputes in a peaceful manner. Our success in navigating the obstacles that lie ahead will determine whether the last frontier to mankind on Earth proves to be a source of peace and prosperity or one of friction and confrontation for the international community in the next century.

In my country's home region of North-East Asia, numerous complicated maritime issues between various States are awaiting an amicable solution. The peaceful resolution of these issues will be indispensable to the maintenance of peace and stability in North-East Asia. I would like to emphasize that no maritime regime in North-East Asia can be viable without close cooperation and smooth coordination at the subregional level. Taking this opportunity, the Korean Government wishes to reiterate its commitment faithfully to settle any maritime issue with its neighbouring States in a manner consistent with the relevant provisions of the Convention.

Programme of work

The President: I should like to inform members that the Assembly will consider the report of the General Committee on action taken at the Committee's meeting this morning as the first item on Tuesday morning, 10 December 1996.

I should like to inform members that tomorrow, 10 December, Human Rights Day, is to be observed by the United Nations. The Secretary-General and the President of the General Assembly will make statements. I wish to underline the importance of the occasion and the commitment we all make to that issue and hope that that commitment will be properly manifested tomorrow and that statements will not be made to a virtually empty Hall.

The meeting rose at 12.55 p.m.

United Nations A/51/PV.77

General Assembly

Fifty-first Session

Official Records

77th plenary meeting
Monday, 9 December 1996, 3 p.m.
New York

President: Mr. Razali Ismail . . . . . (Malaysia)

In the absence of the President, Mr. Turnquest (Bahamas), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 24 *(continued)*

Law of the sea

(a) Law of the sea

(b) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

(c) Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources

Reports of the Secretary-General (A/51/383, A/51/404, A/51/645)

Draft resolutions (A/51/L.21, A/51/L.28, A/51/L.29)

Mr. Zlenko (Ukraine): The United Nations Convention on the Law of the Sea established a comprehensive framework for the regulation of marine space, along with the accompanying rights, responsibilities and obligations of States. The entry into force of the Convention two years ago and the overwhelming support it now enjoys should be translated into its full and proper implementation. Much has been achieved in this regard, and this is reflected in the practice of States on maritime issues. However, much remains to be done at the national, regional and global levels.

After the successful conclusion of negotiations on part XI of the Agreement, indications are that the Convention represents one of the most widely accepted international instruments. We hope that in the near future the Convention will become truly universal in character. Its ratification is also on the agenda of the Ukrainian Parliament. Many of the Convention's provisions have already been reflected in appropriate national legislation concerning maritime matters. Some of the issues dealing with the continental shelf and exclusive maritime economic zones are also covered by article 13 of the Constitution of Ukraine, adopted on 28 June of this year, which, in particular, states clearly that:

> "the natural resources of Ukraine's continental shelf and the exclusive maritime economic zone are objects of the right of property of the Ukrainian people".

96-87028 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The annual global review and consideration by the General Assembly of matters relating to the law of the sea gives Member States an opportunity to express their views on current aspects of ocean affairs, especially those of particular importance to them.

Ukraine takes a particular interest in these matters. My country is a coastal State on two semi-enclosed seas, the Black Sea and the Sea of Azov, with a 2,782 kilometre coast, but it is also a geographically disadvantaged State under the terms of the Convention.

The fishing industry is a very important sector of our economy. Since the catch from coastal and inland waters does not meet the needs of our country's population, ocean fishing remains a very important source of nutriment. The main areas in which Ukrainian fishermen currently continue to operate are the central-east Atlantic, the south-east Atlantic, the Atlantic sector of Antarctica and the south-west Pacific. Ukraine also cooperates with the coastal States in those regions on issues of conservation and the rational utilization of living resources.

In recent years, we have witnessed the depletion of living resources in some parts of the oceans and new and increasing threats to the environment. In this regard, the protection of the marine environment and effective and balanced conservation should remain a high-priority item on the agenda of the international community.

Ukraine is participating actively in the joint efforts aimed at preserving the ocean environment and at maintaining and managing fish stocks. The delegation of Ukraine was actively involved in the work of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. Our country signed the relevant Agreement on the first day it was opened for signature. I hope that my country will ratify that document in the near future.

One of the principal elements on which the norms of the Convention are based is cooperation among States in the implementation of its provisions. The entry into force of the Convention has triggered new activities and the need for new areas of cooperation among States. Two new institutions created by the Convention have been established and made operational.

The International Seabed Authority has already held several sessions in Kingston, Jamaica. The deadlock in negotiations on the composition of the Authority's Council was successfully overcome, and the Council was elected. We would like to extend our congratulations to Ambassador Satya Nandan on his election as Secretary-General of the Authority. With the establishment of the Legal and Technical Commission and of the Finance Committee, the organizational phase has now been completed, and we hope that the Authority will soon begin its substantive work.

The election of the members of the International Tribunal for the Law of the Sea at the fifth Meeting of States Parties to the Convention is another important step aimed at facilitating a more active involvement and operation of the mechanisms for the settlement of disputes incorporated in the provisions of the Convention. The Tribunal will play an important role in settling disputes between States related to the seas and oceans and in facilitating effective implementation of the Convention, thus promoting the maintenance of an international legal order of the seas. Ukraine supports granting the Tribunal observer status in the General Assembly. Such status was granted to the International Seabed Authority on 24 October of this year. Both those institutions established by the Convention should have an essential link with the United Nations and its activities, since the problems of ocean space have a very closely interrelated nature.

The members of the Commission on the Limits of the Continental Shelf will be elected at the next Meeting of States Parties. The Commission is to play an important role in the establishment of the outer limits of the continental shelf of coastal States and will be responsible for studying data and other information submitted by coastal States regarding the outer limits of the continental shelf when the shelf extends beyond 200 nautical miles, as well as for providing appropriate recommendations.

The International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf are essential components in the global system for the rule of law in the oceans and in the maintenance of peace and security. At the same time, I should like to emphasize that the entry into force of the United Nations Convention on the Law of the Sea and the establishment of its institutions in no way diminishes the pivotal role the United Nations has always played in activities concerning the oceans.

The delegation of Ukraine would like to express its appreciation to the Secretary-General for his report on the Law of the Sea (A/51/645). The report represents the most comprehensive annual review of developments in maritime affairs throughout the United Nations system.

It clearly affirms that the Convention provides a solid basis for resolving peacefully and cooperatively all questions and disputes relating to the sea. It also provides a useful survey of developments relating to the Convention and of important measures being undertaken by the Division for Ocean Affairs and the Law of the Sea.

Over the years the Division has provided valuable assistance across the range of issues entrusted to it. We consider also that it should strengthen its capacity with a view to improving the coordination of United Nations activities and programmes in the area of maritime affairs. In our opinion, the United Nations should continue to play a key role in the monitoring of State practices and to report on the implementation of the new legal regime of oceans established by the Convention. To this end, the Division should be provided with sufficient resources and structured in a way that would enable it to meet the needs of the international community.

We also agree with the emphasis placed by paragraph 15 of the report on the importance of the "law of the sea" debate in the General Assembly, in relation not only to the development of the new treaty system of ocean institutions and the effective implementation of the Convention in all its aspects, but also for promoting international cooperation on important new issues in the field of the law of the sea and ocean affairs.

To this end, we wish to stress the importance of the technical and legal support provided to States by the United Nations to help them to implement the Convention at the national level. Ukraine, as a country with an economy in transition, relies on the Organization's helpful advice regarding the development of its national legislation on matters related to the law of the sea.

It has long been recognized by the international community that law of the sea issues are of primary political significance and importance. The world community has proved in the past its capacity to negotiate and resolve complex issues. This was demonstrated in particular in the negotiation of the Convention. It should not fail now to live up to high expectations.

For all these reasons, our delegation joined the sponsors of the draft resolution on the Law of the Sea (A/51/L.21), which was so eloquently introduced by the representative of New Zealand, Ms. Felicity Wong. The draft resolution reflects the continued commitment of Member States to the ideals and principles embodied in the Convention.

The consolidation of the legal regime that we have designed for the seas and oceans requires the joint efforts of all States in promoting cooperation and coordination. Ukraine will spare no effort in the achievement of this important and specific goal.

Mrs. Fernández de Gurmendi (Argentina) (*interpretation from Spanish*): This General Assembly debate is the culmination of a particularly fruitful year for the law of the sea. The Convention on the Law of the Sea received more than 100 ratifications this year, representing a wide spectrum of regions and interests. In this way the goal of universal acceptance of the law of the sea has almost been achieved. This is a noteworthy achievement for this broad, complex and multifaceted instrument, which has radically transformed the traditional law of the sea. The dream of an overall law on the oceans is an ancient one. Its translation into reality represents a clear and decisive contribution by the end of our century.

The Agreement on part XI — which entered into force on 28 July last — has undoubtedly played a fundamental role in the progress achieved towards universal acceptance of the Convention. That Agreement revised the regime on the exploitation of the seabed originally contained in the Convention, in the light of the major changes that have taken place in the political and economic spheres.

The year 1996 is of particular importance primarily because of the establishment and consolidation of the system of ocean institutions provided for in the Convention, which are essential components of the global system for ensuring the rule of law over the oceans.

The organs of the International Seabed Authority have been established: the Council was set up after an extensive and complex negotiating process; the Secretary-General was elected; and the Finance Committee and the Legal and Technical Commission were established.

The election of judges of the International Tribunal for the Law of the Sea, and its establishment in Hamburg last October, constitute another milestone of great significance. Only the Commission on the Limits of the Continental Shelf remains to be established. Elections for this body will be an important event for the next term.

Argentina, which participated actively in all the stages of the process that began with the Third United Nations Conference on the Law of the Sea, welcomes

these important advances made in consolidating the system. We would like to take this opportunity formally to express our congratulations and wishes for success to Mr. Satya Nandan, the Secretary-General of the Authority.

I cannot fail to mention that this year also saw the conclusion, on 4 December, of the signing period for the Agreement for the Implementation of the Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Argentina, which was among the first countries to sign the Agreement, hopes that it will quickly enter into force. That would allow for better management of the world's fishing resources now affected by overexploitation, lack of adequate regulation, the evasion of controls and, more generally, lack of sufficient cooperation on the part of States.

In the institutional system of the Convention, the United Nations has an important role to play because of the special functions of the Secretary-General under the Convention and the continuing role of the General Assembly in the ongoing review of the Convention as a whole and supervision of important developments relating to the law of the sea and ocean affairs.

Between the institutions created by the Convention and the United Nations, there is undoubtedly much scope for mutual interaction and cooperation. For that reason, Argentina welcomed the granting of observer status at the General Assembly to the International Seabed Authority and supports the granting of the same status to the International Tribunal for the Law of the Sea.

With regard to the fulfilment of its tasks by the United Nations, we welcome the quality of the reports submitted by the Secretary-General, and in particular the general annual report. The report provides useful information on trends relating to the law of the sea and on the many developments in ocean matters. As such, it makes a valuable contribution in transmitting information and promoting the uniform implementation of the Convention.

We also wish to express our appreciation for the activities of the Division for Ocean Affairs and the Law of the Sea, and in particular the assistance provided for the establishment of the institutions created under the Convention. We hope that the Division will be given sufficient human and financial resources to continue to carry out its work efficiently in the future.

In conclusion, I wish to state that my delegation, as in previous years, is pleased to co-sponsor and support the three draft resolutions before the Assembly on the law of the sea and the sustainable use and conservation of the living resources in the high seas.

Mr. Hasmy (Malaysia): My delegation wishes to thank the Secretary-General for his comprehensive and useful reports, contained in documents A/51/383, A/51/404 and A/51/645, pertaining to the law of the sea. As mentioned in document A/51/645, since the entry into force of the United Nations Convention on the Law of the Sea in 1994, the international community's attention has been focused largely on the establishment of the institutions the Convention has created and other institutional aspects, including the role of the General Assembly. The international community must forge ahead towards the implementation phase once all the relevant institutions of the Convention, such as the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf have been established.

My delegation welcomes the positive developments that took place during the second session of the Assembly of the International Seabed Authority this year. The compromise reached by member States at Kingston recently to accommodate the election of candidates to the 36-member Council is a laudable achievement. This, indeed, is testimony to the spirit of understanding and accommodation among member States. It reflects their commitment to the larger common interests of the international community rather than narrow national interests. My delegation wishes to congratulate all newly elected members of the Council, the Finance Committee and the Legal and Technical Commission. Malaysia was gratified to have been elected to the Council for a two-year term in Group 15 (e) and we look forward to playing an even more active role in the Seabed Authority. In addition, my delegation wishes to extend its warm congratulations to Ambassador Satya Nandan for his well-deserved election as the first Secretary-General of the Authority.

The International Tribunal for the Law of the Sea has also been constituted this year with the election of its 21 members. As is well known, the Tribunal is a specialized judicial institution dealing exclusively with law of the sea disputes. My delegation is gratified that the seats on the Tribunal have been fairly divided by taking into account the principles of representation of the main legal systems of the world and equitable

geographical distribution. My delegation is confident that, given their expertise and work experience, the 21 members elected to this important Tribunal will discharge their responsibility with a high degree of professionalism and competence, which is important in creating the confidence of member States vis-à-vis the Tribunal.

The establishment of this Tribunal and the election of its 21 members is an important aspect of the Convention which will contribute towards the future viability and strengthening of the Convention. However, without adequate, regular and reliable financial resources, the Tribunal will not be able to carry out its mandated task effectively. My delegation, therefore, urges all States parties to pay their assessed contributions in full and on time, as agreed by consensus at the fourth Meeting of States Parties from 4 to 8 March 1996. Failure to adhere strictly to this commitment would create yet another financial crisis and render the Tribunal dysfunctional.

My delegation notes that the first election of the 21 members to the Commission on the Limits of the Continental Shelf has been deferred to March 1997. Once that election has taken place, the Commission will then be in a position to facilitate the implementation of the Convention by providing technical and scientific advice to coastal States, on request, to enable them to establish the outer limits of the continental shelf beyond 200 miles from the baselines from which the breadth of the territorial sea is measured. Given the enormous and highly technical tasks that lie ahead and, more importantly, to ensure the credibility of this Commission, it is imperative that only persons who are experts in the fields of geology, geophysics and hydrography be elected to this Commission. Malaysia, which has not hitherto put forward a candidate for the Tribunal, the Finance Committee or the Legal and Technical Commission, is seriously considering presenting a candidate for election to the Commission.

Last year the international community witnessed the successful adoption of the Agreement for the Implementation of the Provisions of the Convention Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. My delegation considers this Agreement an important vehicle to ensure long-term sustainability of rare fish stocks, while at the same time to promote the objective of their optimum utilization. We are gratified to note from the report contained in document A/51/383 that precautionary efforts are being taken by States and other organizations for the conservation, management and exploitation of these stocks in preserving the marine environment.

My delegation wishes to refer to the issues dealt with in document A/51/404, relating to large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction, and fisheries by-catch and discards. Malaysia is against the use of large-scale pelagic drift-net fishing. It therefore reiterates its support for a moratorium on large-scale drift-net fishing, as it is in the common interest of the international community to conserve the overexploited fish stocks caught by those practices. Unauthorized fishing in zones of national jurisdiction has been a long-standing problem faced by Malaysia, in particular the problem of encroachment of foreign fishing vessels on our exclusive economic zone.

This is obviously a threat to Malaysia's sustainable fisheries development, as well as to its food security. We therefore join others in seeking urgent international action on this issue. My delegation applauds efforts made by the Asia-Pacific Fishery Commission (APFIC) to encourage its members, through appropriate national institutes, to initiate assessments on the by-catch and discard issues. In showing our commitment to take appropriate regulatory steps on trawl net fishing, the Malaysia Fisheries Research Institute has undertaken a regional review of the by-catch and discards.

In the first 12 years, only 68 countries, mostly from the developing world, consented to be bound by the Convention. By November this year the number had grown to 109, by either ratification or accession, including Malaysia, which deposited its instrument of ratification of the Convention on 14 October 1996. It is encouraging to note that more and more of the developed countries have ratified the Convention since it entered into force on 16 November 1994. This encouraging trend would make it possible to achieve the goal of universal acceptance of the Convention, thereby contributing to the further development and consolidation of international law relating to the seas and oceans.

My delegation places particular importance on the implementation of the provisions relating to the prevention of pollution and dumping from ships. Malaysia has, in many instances, become the victim of illegal dumping of toxic wastes and sludge by irresponsible ships navigating through the Strait of Malacca. It is deplorable that the owners or operators of these ships choose to ignore their responsibility for observing the necessary pollution prevention measures, to the detriment of coastal States affected by this pollution. It is incumbent upon the owners of these ships, as well as upon flag States, to ensure full compliance with these

pollution prevention measures and to accept final responsibility. In this regard, therefore, my delegation welcomes the strengthened role of port State control as a policing mechanism for the shipping industry with the entry into force of chapter XI of the International Convention for the Safety of Life at Sea.

My delegation also welcomes the move by the International Maritime Organization (IMO) to consider the potential mechanisms by which user States and States bordering straits used for international navigation could facilitate the development of appropriate financial mechanisms for the establishment and maintenance of necessary navigational aids and other safety aids to navigation, as well as the prevention, reduction and control of pollution from ships.

Malaysia has voiced its serious concern with regard to the trans-shipment of radioactive materials through international waterways. In this regard, we support the efforts undertaken at the international level, such as those taken by the Commonwealth Ministerial Group on Small States in 1995, which have addressed the dangers of ships carrying nuclear and hazardous wastes through the busy sea lanes of small States. We also support the call by coastal States, including those of the South Pacific Forum, for full consultations on these trans-shipments.

On the broader issue of environmental pollution of the oceans, my delegation regrets that the reports have omitted to mention the effects of nuclear tests in the South Pacific, which, in the view of my delegation, are well within the purview of these reports. While these tests have since ceased — it is to be hoped forever — there is need for a full and proper scientific assessment of the immediate, medium and long-term effects of the nuclear tests on the marine ecosystem of the South Pacific. This is too important an issue to be ignored. It is hoped that future reports will include these findings.

Mr. Fernández Estigarribia (Paraguay) (*interpretation from Spanish*): Two years have elapsed since the entry into force of the United Nations Convention on the Law of the Sea. In the Convention's field, this represented the culmination of a multitude of efforts contributing to United Nations action aimed at the progressive development of international law.

My delegation wishes to express its satisfaction at the noteworthy progress achieved so far, including a substantial increase in the number of States parties, which has certainly benefited from the Agreement on Part XI of the Convention, and the organizational work to enable the International Seabed Authority to function.

The experience which the new bodies established under the Convention gain in the years to come will be an important contribution for future generations. This will lead to equitable participation in the exploitation of marine resources, as well as in the study and use of the oceans, regardless of States' proximity to the sea and despite the fact that geography has made access to the sea particularly difficult for some nations.

I wish to highlight here that the establishment of the International Tribunal for the Law of the Sea with its headquarters in Hamburg, which was agreed upon following intensive discussions at meetings of the States parties, will provide a forum for the peaceful settlement of disputes to which States and other entities can turn.

For Paraguay, as a country without a coastline, and in the context of the Convention on the Law of the Sea, adopted at Montego Bay, feels that the Agreement for the Implementation of the Provisions of the Convention Relating to Straddling Fish Stocks and Highly Migratory Fish Stocks, as well as the question of large-scale pelagic fishing and the effect that it has on the living marine resources in all oceans and seas of the world, are particularly significant. In this respect, the Government of Paraguay, through the specialized departments concerned, has been analysing very positively the possibility of becoming a party to that Agreement, which will do much to promote the conservation of living marine resources through responsible and intelligent fishing. We trust that once these internal procedures have been concluded, we will be able to sign this historic Convention.

As a landlocked country, Paraguay has demonstrated its faith in the principles which inspired the Convention on the Law of the Sea by ratifying it at the appropriate time. We will continue to show this faith, because we are aware of the importance of universal acceptance so that its lasting effect on the sea and on the sea's resources, which are the heritage of humankind, will benefit all peoples, now and in the future.

According to legend, the name of Paraguay comes from the river which cuts through it. Its waters eventually empty into the sea. Ancient peoples, many of whom now are members of the United Nations, would look at the sea and find wisdom in its depths. Young peoples such as my own cannot look at the sea, but they imagine it as serving

humankind, as a place for coming together, where we do not simply pass harmlessly by but gain in common awareness. In its wealth, we will find well-being and new directions to discover.

Mr. Pham Quang Vinh (Viet Nam): The delegation of Viet Nam accords great importance to agenda item 24, entitled "Law of the sea". Each year the General Assembly considers this question in plenary meeting, which provides a good opportunity for the international community to reflect on achievements already recorded in this important branch of international law, to make a necessary and objective assessment of the present situation, and to identify issues that remain to be further addressed. At the outset, my delegation expresses its appreciation to the Secretary-General for his comprehensive reports contained in documents A/51/645, A/51/404 and A/51/383.

1996 has been a year of significant importance for the branch of international law relating to the law of the sea. This year the international community has made great efforts on the path to implementing the United Nations Convention on the Law of the Sea, in particular by establishing the principal bodies of the International Seabed Authority — the Council, the Finance Committee and the Legal and Technical Commission — and electing the Secretary-General. The Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, which was adopted by the General Assembly in this Hall on 28 July 1994, has come into force. On 1 August 1996 the fifth Meeting of the States Parties to the Convention successfully elected the first 21 members of the International Tribunal for the Law of the Sea, and with this the Tribunal commenced its work.

It is necessary to stress that those achievements were made possible because of the efforts of the States parties to the Convention, through their pursuit of a constructive approach and their responsible commitment to implementing the Convention and to making it universal and effective. Viet Nam has been making an active contribution to this process. Apart from those achievements, we also note with satisfaction that in 1996 alone, nine more legal instruments relating to this field entered into force.

What has been achieved deserves the utmost welcome. The international community should further enhance its efforts and undertake concrete steps to support those newly established institutions. In this context, Viet Nam considers that cooperation between the United Nations and the International Seabed Authority is of great importance and in the interest of the entire international community. Viet Nam was, therefore, among the sponsors of the resolution by which the General Assembly decided to grant observer status to the International Seabed Authority.

The implementation of the United Nations Convention on the Law of the Sea requires that States be guided by the provisions and articles contained in the Convention, respecting both its letter and its spirit. The Convention makes it obligatory for States, among other things, to respect the sovereignty of coastal States, and their sovereign rights and jurisdiction over their continental shelf and exclusive economic zones, as provided for in the relevant articles of the Convention.

We are encouraged by the achievements and results recorded so far — especially those registered in 1996 — in the implementation of the Convention on the Law of the Sea. We believe that these achievements, particularly the establishment and effective operation of the principal bodies of the International Seabed Authority and the International Tribunal for the Law of the Sea, will establish the ground for good conduct in activities related to the sea. In their actions at both the global and regional level, States are required to abide strictly by the provisions of the Convention.

With regard to our region, it should be recalled that at the annual meeting held in Jakarta in July 1996, the Foreign Ministers of the countries of the Association of South-East Asian Nations (ASEAN) once again expressed their concern over the situation in the South China Sea. In this regard, the ASEAN Ministers stressed that several outstanding issues remain a major concern for ASEAN.

With regard to the declaration made on 15 May 1996 by the People's Republic of China regarding the establishment of baselines, we would like to reaffirm Viet Nam's position, which has been made public and circulated to all Members States in Depositary Notification of the Secretary-General C.N.238.1996.TREATIES-10, dated 9 September 1996, and is reflected in paragraph 35 of the report of the Secretary-General contained in document A/51/645. We further reaffirm Viet Nam's sovereignty over the Hoang Sa (Paracel) and Truong Sa (Spratly) archipelagos.

Viet Nam will continue its consistent policy of settling disputes through negotiation in the spirit of equality, mutual respect and understanding, with due respect to international law, particularly the United

Nations Convention on the Law of the Sea, and to the sovereign rights and jurisdiction of coastal States over their respective continental shelves and exclusive economic zones. The concerned parties should, while making active efforts to promote negotiation for a fundamental and long-term solution, maintain stability on the basis of the status quo, and refrain from any acts that may further complicate the situation and from the use of force or threat of force. This, in our view, is in conformity with the principles and norms of contemporary international law. It is also consonant with the aspirations of the peoples and serves peace and stability in the region.

Mr. Cassar (Malta): The importance of the United Nations Convention on the Law of the Sea stems not only from the legal norms that it outlines but also from the overall principle of the common heritage of humankind that inspired it and has since permeated other areas of relations within the international community. Malta takes particular pride in having launched the concept of the common heritage of humankind at the United Nations almost 30 years ago, soon after becoming a Member of this Organization.

A long-standing item on our agenda, this constitution of the oceans has brought about a quiet but effective revolution. It reflects the will and ability the world community to establish norms to regulate fields hitherto considered to be too complex, and thereby provide the means to prevent, pre-empt and resolve disputes. The importance of the Convention as a contribution to the maintenance of international peace and security cannot be overestimated. In a global community characterized by an increasing strain on resources and the impact of the use and abuse of rapidly evolving technologies on the environment, the nature of threats to peace and security has changed.

Heads of State and Government of Security Council members, at their historic meeting in January 1992, warned that

> "The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security. The United Nations membership as a whole, working through the appropriate bodies, needs to give the highest priority to the solution of these matters." (*S/PV.3046, p. 143*)

The Convention provides us with a tool to exploit and conserve the resources of the seabed and the subsoil thereof. It is a tool for the peaceful settlement of disputes in an area not lacking in competition. It is an instrument of cooperation among States in the interest of present and future generations.

The Convention entered into force on 16 November 1994 after a long and arduous process that saw detailed negotiations as complex as the nature of the subject matter it treated.

The United Nations Convention on the Law of the Sea covers an area unprecedented in terms of legal reach. It provides the keystone to further elaborate norms relative to specific sectors related to the ocean space and the subsoil thereof ranging from fish stocks to pollution.

The Secretary-General, in his report on the Law of the Sea, describes the entry into force of the Convention and the Agreement on Part XI in 1994 as landmarks in the establishment of the new ocean institutions. Both of these events occurred in what he describes as

> "a favourable environment for ensuring universal acceptance of the Convention". (*A/51/645, para. 9*)

The original parties to the Convention, including Malta, showed great flexibility during the negotiations leading to the Agreement on Part XI in order to ensure universality and the viability of the International Seabed Authority by allowing for its provisional membership. Two years after that landmark Agreement, which entered into force on 28 July 1996, universal ratification of the Convention on the Law of the Sea still evades us.

The setting up of the International Seabed Authority was a core development in the implementation of the Convention. More recently, the election of the judges and the inauguration of the International Tribunal for the Law of the Sea have again underlined the importance that the world community assigns to the areas covered by the Convention. The Convention continues to gain importance as agreements are negotiated further to define and regulate areas such as straddling and highly migratory fish stocks.

The entry into force of the Convention was the beginning, rather than the end, of a process.

The International Seabed Authority, as the depositary of the common heritage, is to act on behalf of

mankind as a whole, in which all rights on the resources of the area are vested. One of the unique features of the concept of common heritage is the built-in notion of institutional management. The preservation and elaboration of such a concept depends on the ability of such institutions to function effectively in the common interest of humankind. This framework within which the Authority's institutions are to function assumes particular importance as technological advances make exploitation more feasible. An awareness of the environmental impact surrounding such technological advances is an intrinsic aspect of our endeavour.

Addressing the University of Malta's Biological Symposium recently, my Deputy Prime Minister and Minister of Foreign Affairs and the Environment, Mr. George Vella, stated that, as regards security, Malta's Government considered the potential threats of an environmental nature that we are exposed to as being of extreme importance. He added that the threats to our security were now more of a non-military nature than otherwise — that they were environmental, economic and social threats.

This is a shared concern that bonds the international community. In this respect, the notion of the common heritage of mankind continues to inspire successive Maltese Governments, as the key to the realization of a solidarity among States that spans the interests of present and future generations through such international instruments as the United Nations Convention on the Law of the Sea — a solidarity that is best ensured through that universal acceptance of the Convention to which we still aspire.

Mr. Abdellah (Tunisia) (*interpretation from French*): Allow me at the outset to thank the Secretary-General for the detailed, comprehensive reports submitted to the Assembly under the item on the law of the sea.

In the report contained in document A/51/645, the Secretary-General describes the new developments that have occurred since the previous session with respect to the implementation of the Convention on the Law of the Sea as well as to the Division for Ocean Affairs and the Law of the Sea.

The report stresses that last year was very eventful, particularly regarding the establishment of the institutions established by the Convention. The election of the Secretary-General of the International Seabed Authority; the establishment of the Council and the subsidiary bodies of the Authority; and the establishment of the International Tribunal for the Law of the Sea were timely events in revitalizing a process that had been starting to lose steam. The delays registered in this area illustrate the complexity of this issue.

Following the entry into force of the Convention in November 1994, it took almost two years for the Council and the subsidiary bodies — the Finance Committee and the Legal and Technical Commission — to be established. With regard to the Council, it will be recalled that the principal difficulties encountered were related to the distribution of seats among the five regions. The developing countries in general and Africa, in particular — which still represent the largest number of accessions to the Convention — had stressed the need for proper representation of those countries in the Council, in accordance with the principle of equitable geographical distribution.

This applies also to the International Tribunal for the Law of the Sea, whose establishment was provided for by the Convention six months after the entry into force of the Convention itself. Elections to the Tribunal were deferred until 1 August 1996. The decision to defer these first elections was taken by the Meeting of the States Parties in order to enable the industrialized countries to join the ratifying countries, thus guaranteeing equitable geographical distribution as well as representation of the major legal systems within the Tribunal.

Tunisia, which attaches paramount importance to the peaceful settlement of disputes among States, welcomes the establishment of a new means of settlement. We wish to appeal for the extensive use by States parties of this institution, and, in this context, we draw the Assembly's attention to article 287 of the Convention. This article, which enumerates the various means of peaceful settlement of disputes relating to the Convention available to States, stipulates that the choice of procedure shall be made by means of a written declaration. To date, only 16 States parties have made such a declaration. Although the Convention does not impose any time constraints on States parties, it would be desirable for such a declaration to be made as soon as possible.

Now that these institutions have been established, they need to be given sufficient resources so that they can function properly. While we, like other delegations, share the current concern for economy, we are nonetheless convinced that this principle should not adversely affect the development of these newly created institutions by undermining their very foundations. The budget of the

International Seabed Authority for 1997 is now under consideration by the Fifth Committee. This budget should enable the Authority to recruit the staff it needs to get under way and thus to start substantive work. That is why we urge the General Assembly to approve the appropriations necessary to finance the administration of the Authority, in keeping with resolution 48/263. These appropriations could be taken from the contingency fund, as recommended by the Advisory Committee on Administrative and Budgetary Questions.

Furthermore, given the close link between these institutions and the United Nations, as well as the role played by the General Assembly in the area of the law of the sea, we welcome the fact that at this session the Authority was granted observer status in the General Assembly. We hope that the similar initiative under way to grant observer status to the International Tribunal for the Law of the Sea will achieve the same result.

To date, 109 countries have ratified the United Nations Convention on the Law of the Sea. While we note with satisfaction the increasing interest in the Convention, we note also that certain major industrialized countries, including maritime Powers, have still not ratified it. The goal of universal participation cannot be attained without their involvement. We strongly encourage those countries to ratify the Convention as soon as possible.

Ratifying the Convention is just the beginning; it still needs to be implemented, and countries need to harmonize their domestic legislation with its provisions. My country, since it ratified the Convention, has striven to achieve this goal by establishing a standing committee on the law of the sea responsible for harmonizing domestic legislation with the Convention.

The assistance of the Secretariat in the implementation of the Convention by the States is of overriding importance. I wish to take this opportunity to express to the Division for Ocean Affairs and the Law of the Sea my satisfaction with the high quality of the services provided, despite the Division's modest resources.

The Convention stipulates a number of obligations vis-à-vis Member States. In this regard, the report I mentioned earlier refers to the deposit with the Secretary-General of nautical charts or lists of geographical coordinates by coastal States, as well as the obligation to provide for their due publicity. The creation and updating of such charts requires investments and technical resources that developing countries often cannot afford. This is an area on which the United Nations should focus its efforts in order to provide the necessary assistance.

The Secretariat likewise plays a central role in collecting, centralizing and disseminating information. The publication of a new information circular on the law of the sea and the creation of an Internet home page are both welcome initiatives. The documents provided by the Secretariat to Member States are a valuable source of information for us. It is regrettable, however, to note the increasing delays in the publication in French of periodicals, studies and other documents.

The protection and conservation of the marine environment and fishing resources is a source of constant concern for my country. The flora and fauna of the Mediterranean, a semi-enclosed sea, are increasingly threatened by pollution whether land-based or due to navigation. That is why we welcomed with satisfaction the entry into force of the Convention, Part XII of which provides the general legal framework for the protection of the marine environment and the preservation of living marine resources. The adoption of Agenda 21; of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Stocks and Highly Migratory Fish Stocks; and of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, as well as the various additional activities undertaken by international organizations within the United Nations system, are all milestones along this road.

We believe that the General Assembly has an essential role to play in the conservation and sustainable use of marine resources, in particular in terms of guiding, monitoring and coordinating the programmes set up by the specialized organs and agencies.

Mr. Lavalle Valdés (Guatemala) (*interpretation from Spanish*): In his famous *Mare Liberum*, Hugo Grotius highlighted the immensity of the sea, calling it "*vastum et inmensum mare*". Of course, the sight of the sea has not lost its ability to inspire us as it once inspired him. And yet, since the entire world now sees itself as a village, and since we have sent spacecraft far beyond this village, the sea no longer seems so immense to us.

But the concept of immensity does put us in mind of something fundamental that barely existed in Grotius' era, which, from any standpoint, is indeed impressive in

its size. I refer here to all of the complex norms and international institutions that have been established to meet the increasingly urgent need for universal rules on all aspects of the use of the sea and the exploitation of its resources.

The comments I have just made were inspired by a passage in a paper that was published in 1950 by Roberto Ago. In that publication, the eminent judge, now deceased, noted that jurists taking up the study of international law for the first time were concerned by the fact that this system, unlike state law, was not divided into separate branches but had to be conceived of and studied as a whole.

It is well known that, except for a few very basic exceptions, this is no longer the case. We also know that this change is due — not exclusively, but to a great extent — to the revolution that is taking place in the law of the sea, to which I referred earlier. One aspect of this revolution is the increasingly interdisciplinary nature of the law of the sea, which is reflected in the fact that the General Assembly considers this issue in plenary and not through a Committee.

It is already a commonplace to hear the expression "the constitution for the oceans" used as a synonym for the United Nations Convention on the Law of the Sea. That expression, which was used in that sense by the final Chairman of the Conference that drafted the Convention, seems to us a very appropriate way of describing it.

In fact, as on the one hand, this Assembly has often stressed, the Convention on the Law of the Sea has an inherent mandate fully to manage the issues assigned to it. On the other hand, as I have already noted, the normative national and international corpus is enormous, as is the range of institutions that fulfil the provisions of the Convention.

While the Convention on the Law of the Sea is undoubtedly of constitutional stature, it is also subject and must adapt itself to a higher and broader constitution: the United Nations Charter, the constitution of the international community.

In order to understand the relationship between the Convention and the Charter, we need only recall that, as has been clearly stated in this Assembly, the Convention is of fundamental importance for the maintenance and strengthening of international peace and security, an issue of great concern to the authors of the Charter. We must also keep in mind that, according to the Charter, the United Nations must be

> "a centre for harmonizing the actions of nations in the attainment of these common ends",

including

> "solving international problems of an economic, social, cultural, or humanitarian character",

problems which also led to the adoption of the Convention on the Law of the Sea.

It is therefore natural and timely that since 1983, the year following the adoption of the Convention on the Law of the Sea, the General Assembly has annually requested the Secretary-General to report on events relating to the Convention. No less useful has been broadened scope of the reports requested by the General Assembly, in particular in view of the entry into force of the Convention, and that these extensive reports are now the rule. We are certain that the interest of Governments in the reports is shared by many public and private entities, as well as by individuals whose activities are related to the oceans.

We were pleased by the General Assembly's emphasis — at the beginning of the preambular part of resolution 50/23 on the law of the sea — of the universal character of the Convention on the Law of the Sea. We were also pleased that, in paragraph 1 of that resolution, the Assembly called on all States that had not done so to become parties to the Convention and to ratify, confirm formally or accede to the Agreement relating to the Implementation of Part XI.

In this regard, my delegation regrets the fact that there are States that have acceded to the Convention but not to the Agreement on Part XI. We feel that those States should carry out the necessary formalities in the very near future in order to put an end to this anomaly, which, while it does not impede their participation in the bodies of the International Seabed Authority, could no doubt create difficulties.

My delegation is pleased to state from this rostrum that the Congress of my country has approved Guatemala's participation in the Convention on the Law of the Sea. When the corresponding steps have been taken and the one-month delay provided for in the

Convention has elapsed, Guatemala will participate in the Convention and in the Agreement on Part XI.

The final substantive comments I wish to make refer to annexes VII and V to the Convention on the Law of the Sea. These annexes determine, respectively, the modalities for arbitration and for conciliation in the settlement of disputes over the interpretation or application of the Convention. These annexes contain provisions for the constitution of a list of arbitrators and of a conciliation commission. The members of both are to be appointed by States parties, each of which has the right to appoint up to four individuals for each list. In keeping with the annexes, the members of an arbitral tribunal or a conciliation commission must be appointed, in some cases by preference, in others mandatorily, from the list of arbitrators or conciliators, as the case may be.

Thus, the extreme brevity of the lists could prejudice the proper functioning of the dispute-settlement system, in particular when one or several members must be selected from the list for an arbitral tribunal or a conciliation commission.

According to paragraphs 49 and 50 of the Secretary-General's report (A/51/645), the list of arbitrators now includes only seven individuals and the list of conciliators two. We therefore feel that it is important for States that have not done so to make the necessary appointments, so that each list will contain an appropriate number of candidates.

In conclusion, my delegation wishes to thank the Secretary-General for his excellent reports. We would also express to the authors of the draft resolution before us our gratitude for their very useful and painstaking work.

Mr. Benitez Saenz (Uruguay) (*interpretation from Spanish*): For Uruguay, the item on the law of the sea, its conservation and the legal norms governing the rights and duties of States has always been of the highest priority in our foreign policy. Our geographic location, the importance of fishing to our economy and our firm and determined respect for international law led us to participate actively in the negotiations of the Third United Nations Conference on the Law of the Sea.

At a time when some would question the effectiveness of this Organization, one need only remind those who would discredit it that simply having parcelled out two thirds of the Earth on the basis of interests regulated by international law — as the United Nations did at its Third Conference on the Law of the Sea — is justification enough of the Organization's existence and constitutes an extraordinary achievement that will spare mankind many futile disputes and confrontations.

Of particular importance to Uruguay is the establishment of the International Tribunal on the Law of the Sea and the fact that, in accordance with article 287 of the Convention of the Law of the Sea, States agree upon signing the Convention to submit their disputes concerning the interpretation or application of the Convention to the jurisdiction of the Tribunal. We would also congratulate the judges recently elected.

As a member of a group of States with a continental shelf exceeding 200 nautical miles from the baseline, our country also continues to follow with interest the forthcoming elections of members to the Commission on the Limits of the Continental Shelf, which will be held in March 1997.

Within the International Seabed Authority, we have participated actively in the meetings of the Assembly of the Authority and are contributing a national candidate to participate on the Finance Committee. We consider reasonable the suggestion of the President of the Assembly to facilitate the integration of organs that have not yet been fully integrated by adopting a rotating mechanism for the elective posts, which have so far failed to ensure equitable geographic representation.

We also welcome the observer status recently granted to the International Seabed Authority and the election of the Secretary-General, Ambassador Nandan of Fiji.

We wish to express our thanks for the excellent work done by the Secretariat staff and technicians on the reports of the Secretary-General on this item and to highlight the role played by the Division for Ocean Affairs and the Law of the Sea in providing electronic data on this subject through the Internet. Improved dissemination of information on the law of the sea will ensure its improved and wider implementation.

My delegation also notes with interest the progress that has been made by various international bodies on organizing maritime routing systems and on provisions to keep vessels apart as a way of preventing pollution, in accordance with article 211 of the United Nations Convention on the Law of the Sea.

As regards the removal of flotsam or wrecks located beyond territorial seas, which is considered in the report and by the International Maritime Organization, we should point out that, in cases in which there is understood to be no express solution provided for in the Convention — since this is not an activity that compromises the freedom of transit of third States — such removal falls within the so-called residual rights of the coastal State.

As to the draft resolutions under consideration, we wish to thank the representative of New Zealand for her efforts to move negotiations along on that contained in document A/51/L.21, of which Uruguay is a sponsor.

We are also committed to the draft resolutions contained in documents A/51/L.28 and A/51/L.29 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and on unauthorized fishing in zones of national jurisdiction.

The depletion of species through illegal activity and unauthorized fishing in areas where coastal States themselves have set limits to conserve resources must be stopped and we will cooperate with the rest of the international community in applying existing norms or in drafting new standards that will put an end to these illegal activities.

Finally, we wish to highlight an issue that we feel should be the subject of the greatest concern to the United Nations and other international organizations: the shipment of radioactive material and atomic waste.

We cannot accept that such lethal cargo should be transported near our coasts on the basis of the freedom of navigation on the high seas. The fishing resources under our jurisdiction and the marine currents that flow freely, influenced only by nature, are not aware of the limits imposed by humankind. In the event of an accident on the high seas, many States would be affected immediately by the activities of these States, which should be guided in this area by the international community. We are prepared to contribute in every way to ensure that this situation does not continue.

Mr. Mwakawago (United Republic of Tanzania): It is my honour to participate once again in the debate on this important agenda item on the law of the sea at a time when the international community is engaged in the implementation of the United Nations Convention on the Law of the Sea of 1982, which entered into force two years ago, and of the 1994 Agreement relating to the Implementation of Part XI of the Convention, which also entered into force in July this year.

The report of the Secretary-General, contained in document A/51/645, has highlighted the efforts which have already been undertaken by the States parties and members of the International Seabed Authority in the establishment of institutions provided for under the Convention. The election of the Secretary-General of the International Seabed Authority and the establishment of its Council, Legal and Technical Commission and Financial Committee have enabled the Authority to start implementing its mandate, as provided for under Part XI of the Convention.

My delegation is gratified that the International Tribunal for the Law of the Sea, whose judges were elected at the Meeting of States Parties last August, has also begun to build up its institutional capacity. Needless to say, the effectiveness of the Court will depend on the confidence member States place in it and their readiness to have recourse to it in the settlement of their disputes. This is why we urge member States to consider making written declarations, choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention. Furthermore, it is our hope that member States will honour their financial responsibilities to enable the Tribunal effectively to establish its structures in this critical formative phase.

We hope that every effort will be made to formalize work for the establishment of the Commission on the Limits of the Continental Shelf at the next meeting, scheduled for March 1997.

It is clear that, if the Authority and its institutions are to work and to do so effectively, they will need our undivided political support and the requisite financial help. This is why my delegation wishes to express the hope that, as we render our support to that institution in a manner that will permit it to serve us efficiently, it will be possible to overcome the present differences in the financing levels and to reach agreement on its budget.

As the Authority becomes operational, it will need political support to bring it closer to the deliberative and decision-making organs of the United Nations. That support is important to ensure the international

community's greater appreciation of and involvement in the activities of the Authority, as well as to encourage those who have not joined the Convention and the implementation Agreement to do so. In this context, the granting of observer status to the International Seabed Authority and the International Tribunal for the Law of the Sea merits our unanimous support.

At this initial stage of the establishment of these new institutions, we can only express our satisfaction at the progress which has already been made. We call upon States parties to the Convention and members of the International Seabed Authority to continue to cooperate in breathing new life into these institutions. We would also like to commend the United Nations Secretary-General on the important role he has played in assisting Member States in the creation of these institutions.

In conclusion, my delegation would like to state that we support changing the name of the agenda item, "Law of the sea", to "Oceans and law of the sea" a title which broadly represents all the activities pertaining to the law of the sea and ocean affairs, including the preservation of the environment.

Mr. Surie (India): The oceans have always been and will remain eternally important to mankind. They provide a massive, relatively untapped resource base. They are critical to the sustenance of the global environment. The mystery of the oceans will require several generations to unravel. They will continue to provide a major challenge for technological and scientific advancement and to human endeavour in general.

The importance of the Convention on the Law of the Sea of 1982 has to be seen in that perspective. Its significance also lies in the manner in which that Convention has comprehensively revolutionized and democratized maritime relations among nations. We are thus particularly pleased that we now stand at a juncture where implementation of the far-reaching provisions of the Law of the Sea Convention can move forward in a practical way.

It is a matter of satisfaction to my delegation that the International Seabed Authority has been established, with its seat at Kingston, Jamaica. Its Council, too, has been constituted after long and arduous negotiations. Following the constitution of the Council, the Legal and Technical Commission and Finance Committee of the Authority are also in place. My delegation wishes to take this opportunity to place on record its appreciation for the untiring efforts of the first President of the Authority's Assembly, Ambassador Hashim Djalal of Indonesia, to bring about this successful outcome. We also wish to place on record our congratulations to Ambassador Satya Nandan for his unanimous election as the first Secretary-General of the Authority. He is assured of our full cooperation.

Yet another milestone has been attained with the establishment of the International Tribunal for the Law of the Sea. Following successful completion of the election process earlier this year, the Tribunal was formally inaugurated at Hamburg, Germany, in October. We congratulate Judge Thomas Mensah of Ghana for his election as the first President of the Tribunal. We welcome the appointment of Mr. G. K. Chitty as its first Registrar.

The constitution of the Commission on the Limits of the Continental Shelf in March of next year will complete the establishment of the new Convention bodies.

The effective functioning of those new institutions will depend greatly on the contributions of States parties as well as on the leadership within those institutions. My delegation will extend wholehearted cooperation to them in their functioning.

The 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was yet another landmark in the implementation of the Convention on the Law of the Sea. In our view, the Agreement represents compromises between different interests, and its proper application is of importance for the conservation of resources and for enforcing the rights of the coastal States, while taking into account the interests of distant water-fishing nations.

While on this issue, I would like to refer briefly to some particular interests of my delegation. First, we believe that artisanal and small-scale — including subsistence — fisheries should be protected in view of their social, economic and cultural importance. Such fishery is essentially non-commercial. Secondly, as envisaged in articles 24 and 25 of the Agreement, technical and financial assistance for the development of fisheries in developing countries should be forthcoming. Lastly, while the implementation of the Agreement rests on the existence of regional fisheries organizations, it does not directly deal with a situation in which such

designated organizations are not yet in existence. In respect of the Indian Ocean, we would like to note that tuna is recognized to be the important highly migratory fish species and the coastal States bordering the Indian Ocean are committed to conserve, manage and protect it from indiscriminate fishing and the consequent depletion or eventual extinction of stocks. Institutional arrangements for the latter purpose are to be worked out.

I should now like to turn to the question of the continuing role of the United Nations in the law of the sea. The Convention of 1982 itself is specific on this issue. It recalls in its preamble that the problems of ocean space are closely interrelated and need to be considered as a whole. Further, in its article 319, the Secretary-General has been authorized to report to States parties on issues of a general nature that have arisen with respect to the Convention and to carry out certain administrative and procedural functions. In that context, we have received with appreciation the report of the Secretary-General contained in document A/51/645. The report was received very recently and we are still in the process of examining it.

In our view, the collection and dissemination of information on law of the sea matters is another important function that the United Nations Secretariat must continue to perform. We therefore welcome the opening of a home page on law of the sea matters. This will make information readily available to all Member States and to the international community at large.

In conclusion, I would like to reiterate that my delegation attaches great importance to all matters pertaining to the implementation of the Law of the Sea Convention of 1982. We will therefore continue to extend our full cooperation with a view to strengthening the new institutions that have recently been set up. We will continue to participate constructively and actively in all United Nations activities pertaining to the Law of the Sea Convention and related agreements.

Mr. Mahugu (Kenya): The 1982 Convention on the Law of the Sea is an important part of the global system of peace and security, of which the Charter of the United Nations is the foundation. The Convention represents the most comprehensive effort to deal with all aspects of the ocean space. Indeed, by exerting a dominant influence on the conduct of States, the Convention has had a profound political, economic and legal effect in marine-related matters and maritime practice.

Kenya attaches great importance to oceans and their resources. In 1989, it joined the now large and increasing number of countries which have ratified the Convention, thus underscoring the importance it has given the Convention. As a coastal State, Kenya is aware of its responsibilities and obligations in both the marine and maritime fields and has firmly embodied the provisions of the Convention in its national laws in a manner consistent with its commitments as a ratifying State.

My delegation is particularly delighted to be able to participate in the debate on this item, which provides an opportunity for States Members of the United Nations to review the progress achieved in implementing the provisions of the Convention, as well as other activities undertaken pursuant thereto. Indeed, the role of the General Assembly in this regard is central by virtue of the special responsibilities of the Secretary-General set forth in the Convention which, *inter alia*, calls on the General Assembly to monitor the implementation of the Convention and ensure continued international cooperation within the framework of the Convention. In its resolution 49/28 of 1994, the Assembly decided to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs. The same resolution confirmed the role of the Assembly as the global institution having the competence to undertake such a review.

The importance of the present debate in the Assembly, which provides an excellent forum for much-needed global stock-taking and coordination, cannot be overemphasized. The Secretary-General has underlined this point in his report. We thank him for producing such a comprehensive report on the law of the sea, contained in document A/51/645, and other related reports on fisheries issues, which form a useful basis for this debate. As noted in the report, the oversight role of the General Assembly, as stressed in resolution 49/28, may be expected to assume greater significance yet with universal acceptance of the Convention drawing nearer. This will further be consolidated by the addition of the new law of the sea institutions to the wider group of international organizations responsible for various specialized aspects of ocean affairs.

Since the entry into force of the Convention on the Law of the Sea in November 1994, the international community has devoted its main attention to the creation of two core institutions: the International Seabed Authority and the International Tribunal for the Law of

the Sea. In the case of the Authority, this has involved the establishment and start-up of its organs, including the election of the Secretary-General and the setting-up of its secretariat, Assembly and Council and subsidiary bodies, in Kingston, Jamaica.

With the establishment of the International Tribunal for the Law of the Sea and the swearing-in of judges at the Tribunal's seat in Hamburg, Germany, a few weeks ago, the international community has entered a new era. Because maritime disputes can be a source of confrontation and conflict between States, the Tribunal has an important role to play in the building of an international society governed by the rule of law.

My delegation would like to thank the Jamaican and German authorities who have so generously supported the two bodies respectively. Another equally important body, the Commission on the Limits of the Continental Shelf, will be established in the coming year in conformity with the Convention and the decision taken by the Meeting of States Parties to the Convention late last year.

The many speakers who have preceded me have appropriately hailed these developments. My delegation welcomes both institutions, which are of fundamental importance to international peace and security, the peaceful settlement of disputes, the sustainable development of marine resources and the protection of the marine environment.

Kenya shares the legitimate concerns of many Member States regarding the need to minimize the operational costs of the institutions we have created and to adopt an evolutionary and cost-effective approach that takes into account the increasing financial difficulties of Governments in providing for institutional development at the international level. We believe, however, that it is crucial for the international community to provide these new institutions with sufficient resources to enable them to discharge their important functions.

Kenya remains unequivocally committed to seeking a permanent solution to the problem of poaching and other predacious and illegal fishing practices. During the last decade or so, pressure on the exclusive economic zone and high-seas fishing have rapidly grown to alarming proportions, leading to the overexploitation and depletion of these marine resources.

The Agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks, adopted on 4 August 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, signaled the growing desire of Governments to improve global cooperation in this area. The Agreement provides for effective mechanisms for compliance with and enforcement of these measures and is a good basis for regional cooperation. In this regard, I would like to express the intention of my Government to become a party to the fish-stocks Agreement in the near future.

Let me conclude by expressing our hope that the high rate of acceptance of the Convention during the past two years will accelerate further so that the goal of universality may be achieved soon. We appeal to those States remaining outside, which are now in the minority, to give their full and concrete support by ratifying or acceding to the Convention at the earliest possible opportunity.

Finally, I have the pleasure of informing you that Kenya is co-sponsoring the draft resolution before us on the law of the sea.

Mr. Karev (Russian Federation) (*interpretation from Russian*): As a major maritime Power, Russia attaches great importance to problems of international maritime law and has actively participated at every stage of the efforts to improve cooperation among States in this area. In this connection, we welcome recent events that have allowed us to get down to practical work in the international organizations created under the 1982 United Nations Convention on the Law of the Sea. We believe that these organizations will act effectively to further strengthen the legal regime on the high seas; in the interests of mankind as a whole.

Russia views the 1982 Convention as a kind of encyclopedia of the law of the sea, which establishes a universal mechanism for cooperation and interaction among States on the high seas. In this connection, it is extremely important to insure universal accession to the Convention. We are taking active steps at the present time to ratify the Convention and the Agreement relating to the implementation of Part XI. We hope that the ratification process will be completed by our Parliament in the near future, at least by the end of the current session of the State Duma.

Moreover, intensive work is under way to improve national legislation with a view to bringing it into complete conformity with the obligations that we will be

assuming under the Convention. We have already adopted a federal law on the continental shelf of the Russian Federation. We are currently completing work on a law on the exclusive economic zone.

The Russian delegation notes with satisfaction that, following two years of discussion, the International Seabed Authority established under the Convention has managed to finalize its structures and begin its work. We are pleased that the financial costs for the functioning of the Authority have been somewhat reduced from those foreseen in the initial projections. However, the question of the ratio between the cost of the Authority's work and its effectiveness remains a priority for the Russian delegation. We intend to devote very careful attention to it in the future.

We also cannot fail to welcome the launching of another important body, the International Tribunal for the Law of the Sea. We trust that it will soon assume its rightful and important role in the system of peaceful settlement of disputes. The Russian Federation hopes that the high professional and personal qualities of the recently elected judges of the Tribunal will ensure their important contribution to the implementation of the key provisions of the Convention and to the development of the norms of the law of the sea.

We note with satisfaction the fact that the International Seabed Authority has been granted observer status in the General Assembly. We believe that a similar decision with regard to the International Tribunal for the Law of the Sea would be appropriate.

The 1982 Convention, although the most universal and extensive instrument on the law of the sea, nevertheless cannot fully reflect the growing concern of coastal States at the state of living marine resources, which often fall victim to uncontrolled and scientifically unsound harvesting on the high seas. In this connection, Russia welcomes the 1995 Agreement on the conservation and management of straddling fish stocks and highly migratory fish stocks, adopted at New York.

The Agreement was elaborated on the basis of the Convention and as an elaboration of it. It regulates the fishing industry beyond the limits of the exclusive economic zone and seeks to manage it on the basis of the new principle of responsible fishing on the high seas. It is an extremely important step towards the protection of the resources of the world's oceans and their conservation for future generations. We hope that States will show an interest in it and that it will enter into force soon.

I would also like to express the gratitude of the delegation of the Russian Federation for the detailed and very useful report submitted by the Secretary-General on this agenda item. It is only fair to praise the efforts of the staff of the Division for Ocean Affairs and the Law of the Sea and the office of the Under-Secretary-General for Legal Affairs, not only for the report, but also for their enormous, varied and very intensive work to insure that the many conferences that have taken place in recent years on law of the sea problems were productive.

In conclusion, allow me to say that our delegation supports the three draft resolutions introduced this morning by the representative of New Zealand.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolutions A/51/L.21, A/51/L.28 and A/51/L.29.

I call on the representative of the Secretariat.

Mr. Perfiliev (Director, General Assembly Affairs Division): I should like to inform members that, should the General Assembly adopt draft resolution A/51/L.21, entitled "Law of the Sea", under the terms of that resolution the General Assembly would, first, approve the provision by the Secretary-General of such services as may be required for the two meetings of the International Seabed Authority to be held in 1997, from 17 to 28 March and from 18 to 19 August; and secondly, request the Secretary-General to convene the Meetings of States Parties to the Convention from 10 to 14 March and from 19 to 23 May 1997.

With respect to the associated conference-servicing costs for the meetings of the International Seabed Authority in the amount of $1,400,000, these have been addressed in the note by the Secretary-General, contained in document A/C.5/51/21, and in document A/C.5/51/22, entitled "Pattern of Conferences". As indicated in these documents, conference services can be provided from within the overall resources available under section 26(E) of the programme budget.

The Meetings of the States Parties to the Convention are already included in the calendar of conferences, contained in document A/51/32.

The Acting President: I shall now call on the representative of Turkey for an explanation of vote before the voting. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mrs. Baykal (Turkey): Among the three draft resolutions before us, Turkey will vote against the draft resolution on the law of the sea, contained in document A/51/L.21. The reason for my delegation's negative vote is that some of the elements contained in the Convention on the Law of the Sea, which had prevented Turkey from approving the Convention, are still retained in this draft resolution. Turkey supports international efforts to establish a regime of the seas that is based on the principle of equity and is acceptable to all States.

However, the Convention does not make adequate provisions for special geographical situations and, consequently, is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for registering reservations on specific clauses. Although we agree with the Convention on its general intent and most of its provisions, we are unable to become a party to it because of these serious shortcomings. That being the case, we cannot support the draft resolution, which provides that States should harmonize their national legislation with the provisions of the Convention of the Law of the Sea and ensure the consistent application of those provisions.

The Acting President: We have heard the only speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolutions A/51/L.21, A/51/L.28 and A/51/L.29.

I call on the representative of Turkey.

Mrs. Baykal (Turkey): I need a point of clarification. We have asked for a recorded vote on draft resolution A/51/L.21. Will we first proceed with the vote on that draft resolution?

The Acting President: Yes. We will do that.

I should like to announce that since the introduction of the draft resolution, the following countries have become sponsors of draft resolution A/51/L.21: Antigua and Barbuda, Belize, Cape Verde, Chile, Côte d'Ivoire, Croatia, Cyprus, Grenada, Guinea-Bissau, Iceland, Japan, Malta, Mozambique, Namibia, Philippines, Sri Lanka, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania.

I should like also to announce that since the introduction of the draft resolution, the following countries have become sponsors of draft resolution A/51/L.28: Argentina, Belize, Philippines, Samoa and Solomon Islands.

I should also like to announce that since the introduction of the draft resolution, the following countries have become sponsors of draft resolution A/51/L.29: Argentina, Belize, Philippines, Samoa, Singapore, Solomon Islands and Trinidad and Tobago.

We turn first to draft resolution A/51/L.21, entitled "Law of the Sea".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Solomon Islands, South Africa, Spain,

Sri Lanka, Sudan, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe

Against:
Turkey

Abstaining:
Ecuador, Peru, Tajikistan, Venezuela

The draft resolution was adopted by 138 votes to 1, with 4 abstentions (resolution 51/34).

Subsequently, the delegations of Georgia and Tajikistan informed the Secretariat that they had intended to vote in favour.

The Acting President: We turn now to draft resolution A/51/L.28, entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

May I take it that the Assembly decides to adopt draft resolution A/51/L.28?

Draft resolution A/51/L.28 was adopted (resolution 51/35).

The Acting President: We next turn to draft resolution A/51/L.29, entitled "Large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction; and fisheries by-catch and discards".

May I take it that the Assembly decides to adopt draft resolution A/51/L.29?

Draft resolution A/51/L.29 was adopted (resolution 51/36).

The Acting President: Two representatives have requested to speak in exercise of the right of reply. May I remind members that statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention, and should be made by delegations from their seats.

I call on the representative of China.

Mr. Zhang Kening (China) (*interpretation from Chinese*): As the representative of Viet Nam, in his statement before the General Assembly today, touched upon the declaration issued by China on 15 May 1996 and mentioned the Xisha and Nansha Islands, which are in the territory of China, the Chinese delegation is compelled to speak yet again to state its position and correct any misapprehensions.

First, the Xisha and Nansha Islands are by no means ***res nullius***. Since time immemorial, they have been Chinese territory. China has always exercised indisputable sovereignty over the islands in the South China Sea and the adjacent waters, including the Xisha and Nansha Islands. This is based on full historical fact, including the longstanding development, management and jurisdiction by China over the islands in the South China Sea. This has also been recognized in a series of international documents and by national practices since the Second World War, including the practices and recognition of the Government of Viet Nam itself.

Secondly, the Chinese Government has consistently advocated a peaceful settlement of the disputes over the Nansha Islands with the countries concerned through bilateral negotiations; pending the settlement of the dispute, we should shelve our disputes in the search for common development. We believe that this is the most realistic and reliable means of handling the present disputes over the Nansha Islands, because it meets the interests of the countries concerned in this region. We are also receiving increasing understanding and support.

China is ready to work with the countries concerned in accordance with the established basic principles and legal regime, as contained in recognized international law and contemporary law of the sea — including the United Nations Convention on the Law of the Sea — to achieve an appropriate settlement of disputes through peaceful negotiations.

Thirdly, China opposes the attempt to internationalize the question of the Nansha Islands. It also opposes intervention in the question of the Nansha Islands by countries outside the region, because that would not be conducive to the settlement of the question, but would rather complicate the issue. We believe that parties to the dispute should abide by the norms concerning State-to-State relations in international law and the principles

governing the peaceful settlement of international disputes so as not to complicate or exacerbate the problem.

The Acting President: I now call on the representative of Viet Nam.

Mr. Nguyen Duy Chien (Viet Nam): We would like to reaffirm our position as follows: first, Viet Nam has indisputable sovereignty over the Hoang Sa and Truong Sa archipelagos. We possess adequate historical evidence, as well as legal grounds, to assert our sovereignty over these two archipelagos. Secondly, the establishment by China of the baselines around the Hoang Sa archipelago is a serious violation of Viet Nam's territorial sovereignty and runs counter to every international law.

Viet Nam once again reaffirms its sovereignty over both archipelagos and demands that countries respect Viet Nam's territorial sovereignty under international law. It is Viet Nam's consistent policy that, while efforts are being made to promote peaceful negotiations aimed at seeking a fundamental and durable solution to the dispute in the Eastern Sea, parties concerned should exercise some restraint and refrain from making the situation more complicated, thus affecting peace and stability in the region.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 24?

It was so decided.

The meeting rose at 5.20 p.m.

United Nations A/51/PV.78

General Assembly
Fifty-first Session

Official Records

78th plenary meeting
Tuesday, 10 December 1996, 10 a.m.
New York

President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order at 10.10 a.m.

Statements on the occasion of Human Rights Day

The President: Today we commemorate the adoption of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948. The Declaration of 1948 marked the first time in history that we witnessed the emergence of a universal acceptance of minimum standards, expressing the fundamental rights and freedoms of the entire human community, without partitions or restrictions. This is a milestone anniversary.

Normally on such a day we gather to reaffirm the commitment of the international community to meet the aspirations of men, women and children for a world of peace, justice and freedom, and for equitable economic and social development. However, it is apparent from ongoing discussions in the United Nations, and even more so in the real world outside, that starvation, torture, killings, deprivation and discrimination are alive and thriving. All this in spite of there being more than 70 legal instruments on human rights currently in force.

Revelations of widespread human rights violations, in virtually all regions of the world, lay bare the wide gap between our international principles and the stark facts of life for so many of our fellow human beings. Such revelations also point to a quintessential dilemma of the inter-governmental process based on the sovereignty of States: that despite sophisticated codification of legal instruments and carefully constructed mechanisms to protect human rights, these are of little use if there is no political will on the part of those who govern to implement them effectively.

Recent events in the Great Lakes region, in Rwanda and in the former Yugoslavia testify to the moral impasse in which humanity finds itself today. Our repeated inability to guarantee the most basic of rights — the right of the human person to security and to live free from terror — should give a severe jolt to the human conscience, and calls for much introspection on the whole human rights debate.

If universality is the central tenet of human rights, universal application of their principles is the guardian of human dignity for all. Since 1948, global events have demonstrated with increasing clarity that peace, democracy, development and human rights are intrinsically interdependent. We understand that peace and human rights are knitted together, the removal of one strand resulting in the unravelling of the other. We also know that sustained economic and social development, and respect for human rights, cannot be achieved without each safeguarding the other.

Why then does the dominant human rights paradigm continue to fail the majority of humanity? Maybe it is because "human rights", as reflected in the current Charter, says little about global injustices or the rights of humanity, and does not provide a blueprint for a more just world order. Instead, human rights are posited in an exclusively individual context. This poses a difficult

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dichotomy between State and society by disregarding the political and social context of the rights situation, and by taking little notice of the communal moorings of the individual.

There is no doubting that ideas on human rights have contributed significantly to civilization by endowing the individual with certain basic rights, such as the rights of free speech and free association; by strengthening the position of the ordinary citizen against the arbitrariness of powers and by expanding the space for individual participation in public decision-making. However, these democratic principles have scarcely flowed in the opposite direction, and have neither forced the State, nor authority in general, to be more accountable to the public.

This inherent weakness in the human rights paradigm has even allowed Governments and powerful interest groups to repackage human rights, to discard all notions of universality and inalienability, and to use them selectively as political weapons against their opponents. Ironically, the politicization of human rights in this fashion is now practised by countries, North and South alike, whenever politically expedient, each pointing a finger at the other.

It has long been argued that human rights talk is inflationary power talk. Though colonial rule has ended, domination by countries in various spheres continues to have an impact on the human rights of the vast majority of the developing world, admittedly in ways which are more subtle and sophisticated, but no less devastating.

Domination of global peace and security through power elitism, domination over the survival of life on our planet by possession of nuclear weapons, domination of global trade, finance and development through the Bretton Woods institutions and the World Trade Organization, and domination over the global news and information networks merely elicit criticism of those in power and posturing on human rights. The scepticism has only increased since the progressive degeneration of human rights standards within developed societies.

At the same time, recourse to debates on differentiated cultural values also undermines the universality and justified moralities of human rights, and may be used to excuse or defend autocratic practices. Whether one articulates rights or upholds responsibilities, these should be guided by a larger spiritual and moral world view which endows human endeavour with meaning and purpose, and with coherence and unity.

After all, individual rights and liberties will only be meaningful if they can bring about fundamental changes to society by transforming values, attitudes and power structures. Ultimately the bottom line is the role of Governments and their accountability to those who are governed by them. As things are, there are many that have failed people, promising will-of-the-wisp doctrinal solutions as panaceas, but cloaking power perpetuation at any cost.

I now call on the Secretary-General.

The Secretary-General: I am delighted to join you on this important occasion. On this Human Rights Day, the international community rededicates itself to the universal goal of defending fundamental freedoms and promoting basic human rights wherever they are threatened. We reaffirm that human rights constitute one of the basic pillars of the Charter of the United Nations. They are the foundation of our international society. Such freedoms and rights are universal and must be the birthright of all humanity.

Peace, human rights, democracy and development are the daily work of the United Nations. All around the world, the United Nations is working hard to prevent and resolve conflict, and to offer millions of people new hope for a better and more peaceful future. Human rights are a crucial part of these efforts. We fully recognize the need for individual freedoms and individual rights to be upheld as a foundation for peace within and among nations.

But as the twentieth century draws to a close, human rights face increasing threats and new challenges. The spread of war, violence, hunger, poverty and growing inequality all risk undermining hard-won rights and freedoms. Intolerance, racism, xenophobia, religious fanaticism and terrorism all give serious cause for concern. That is why it is now more urgent than ever for all the peoples of the world and all Member States to renew their commitment to the global task of protecting and promoting human rights.

The right to life, freedom from torture and ill-treatment, equality before the law, and freedom of expression are all rights which require constant protection and vigilance. Equally, our commitment to lasting development requires that the international community uphold and promote fundamental economic and social rights, such as the right to food, shelter, employment, education and health care.

Over the last 50 years, the United Nations has introduced and developed a comprehensive framework for the protection of human rights. We have established precise international human rights standards. We have created ways and means of improving respect for human rights within Member States. And where necessary and possible, we have intervened to protect victims of human rights abuses and violations.

Countless groups and thousands of individuals have turned to the United Nations human rights bodies for support against discrimination, torture, executions, disappearances and religious and racial intolerance. And every year, individual Member States receive vital technical and educational human rights assistance. Today, the United Nations High Commissioner for Human Rights is working actively with Member States to encourage the establishment and strengthening of national institutions for the protection and promotion of human rights.

To this end, the Centre for Human Rights has established an important presence in a number of Member States. In addition, the Centre is actively promoting training initiatives for members of the military, police, prison officials, lawyers and judges in countries all around the world. A global programme of human rights education has been implemented to support the United Nations Decade for Human Rights Education.

(Spoke in French)

Finally, I wish to add that human rights are a concern not only of the United Nations, but also for all actors on the global scene. In fact, public opinion, non-governmental organizations, parliaments and the media are also full-fledged guarantors of respect for human rights. On numerous occasions these new actors in international relations have shown their ability to alert the world to situations and to tragic events where human rights have been scorned. Thus they play a key mobilizing role and bear witness to the vigilance of the international community.

In fact, in order to become an effective part of the daily lives of peoples and of nations, human rights must be monitored continually. The watchful eye of public opinion, the determination of every woman and man, our constant collective engagement — these are the best means of safeguarding individuals.

The rule of law must be furthered and international awareness must be increased through joint action by States, international organizations, non-governmental institutions and individuals. The new international actors can contribute to helping States and Governments to become more aware and more attentive to the rights of the individual. They can also take part in improved education for all citizens and in providing better information to the general public on questions of human rights and public freedoms.

Finally, this collective assumption of responsibility for protecting human rights is an essential contribution to the democratization of international life.

Indeed, we know that the process of democratization is indissociable from the protection of human rights. Both are universal in dimension. They are common aspirations shared by all peoples and all nations.

More than ever before, the current globalization of the economy must go hand in hand with the globalization of democratization and of respect for human rights.

On this anniversary, I once again invite the international community to join in the struggle in the service of individual rights.

For the struggle for men, women and children and for their dignity is in itself sufficient to justify our full commitment and our full determination.

Agenda item 8

Adoption of the agenda of the fifty-first regular session of the General Assembly, and allocation of items

Fourth report of the General Committee (A/51/250/Add.3)

The President: I now draw the attention of representatives to the fourth report of the General Committee (A/51/250/Add.3), concerning a request by a number of delegations for the inclusion in the agenda of an additional item entitled "Observer status for the International Tribunal for the Law of the Sea in the General Assembly" and a request by Italy for the inclusion in the agenda of an additional item entitled "Proclamation of 21 November as World Television Day".

In paragraph 1 of the report, the General Committee decided to recommend to the General Assembly that the

item entitled "Observer status for the International Tribunal for the Law of the Sea in the General Assembly" should be included in the agenda of the current session.

May I take it that the General Assembly decides to include this additional item in the agenda of the current session?

It was so decided.

The President: The General Committee further decided to recommend to the General Assembly that the additional item be considered directly in plenary meeting.

May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

In paragraph 2 of the report, the General Committee decided to recommend to the General Assembly that the item entitled "Proclamation of 21 November as World Television Day" should be included in the agenda of the current session.

May I take it that the General Assembly decides to include this additional item in the agenda of the current session?

It was so decided.

The President: The General Committee further decided to recommend to the General Assembly that the additional item be considered directly in plenary meeting, on the understanding that the General Assembly would determine when the item would be considered during the fifty-first session.

May I take it that the General Assembly decides to consider this item directly in plenary meeting, on the understanding that the General Assembly will determine when the item will be considered during the fifty-first session?

It was so decided.

Mr. Ferrarin (Italy): We thank the General Assembly for having accepted the inclusion of the new item in the agenda of the fifty-first session.

Two weeks ago, on 21 and 22 November 1996, the first World Television Forum was held at the United Nations, financed entirely by Italy. For the first time in the life of this Organization, leading media personalities, of both the public and private sectors, met under the auspices of the United Nations to discuss the growing significance of television in today's changing world and to consider how they might enhance their future cooperation.

In the final declaration of the World Television Forum, the event was regarded as historic, and indeed it was an historic gathering, since it was attended by more than 140 representatives of broadcasters, representing more than 50 nations.

A useful link has been established. Let us now build on it.

The participants in the forum supported the idea of establishing an annual World Television Day, to be celebrated each 21 November, which would be marked by global exchanges of television programmes, focusing particularly on such issues as peace and security, economic and social development, and the enhancement of cultural exchange. Responding to this appeal, Italy has decided to submit a draft resolution to this end that up to now has attracted 28 sponsors.

At the same time, I would like to stress that as Italy financed all the expenses of the Forum, at no cost to the United Nations, the proclamation of World Television Day will not result in any programme budget implications for the United Nations.

Italy and other countries are considering organizing a second World Television Forum as early as next fall. For this reason, and in particular because of the evident need for public and private broadcasters to know well in advance that a second Forum could be held simultaneously to mark the United Nations World Television Day in order to plan their budget outlines before the end of the year, it is very important that this item be considered before the date of recess of this session of the General Assembly.

Therefore we respectfully submit the formal proposal that the item just included in the agenda be considered in plenary meeting next week, before the adjournment of our work.

If the General Assembly approves the proclamation of 21 November as World Television Day, this will be seen as a marked sign of interest and a strong incentive

to plan and adequately fund a second World Television Forum next year.

The President: Delegations have heard the proposal by the representative of Italy to consider this item at the present session, before the recess.

If I hear no objection, may I take it that the Assembly agrees to consider this item at its present session, before its recess this month?

It was so decided.

Agenda item 59

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General transmitting the first annual report of the International Criminal Tribunal (A/51/399)

The President: May I take it that the Assembly takes note of the first annual report of the International Criminal Tribunal for Rwanda?

It was so decided.

The President: I now call on Mr. Kama, president of the International Criminal Tribunal for Rwanda.

Mr. Kama (President of the International Criminal Tribunal for Rwanda) (*interpretation from French*): I should like to begin by expressing my gratitude for the great honour bestowed upon me of addressing the Assembly to introduce the first annual report of the International Criminal Tribunal for Rwanda.

With the Assembly's permission, I shall not summarize the written report before it. I would rather draw attention to certain aspects of the establishment and functioning of the Tribunal. Accordingly, I shall divide my statement into three main parts. First, I shall give a brief description of the main stages and characteristics of the establishment of the Tribunal. Then, I shall give a brief round-up of the judicial activities of the Tribunal, before moving on to the third part of my statement in which I shall describe the main problems we have run into in trying to accomplish the mission that the international community has entrusted to the Tribunal.

With regard to the establishment of the Tribunal, I should like briefly to describe the legal foundations that prompted the Security Council's decision to establish the International Criminal Tribunal for Rwanda. I need not dwell on the number of massacres, the extent of the atrocities and the extreme gravity of the crimes committed in Rwanda in 1994, which helped create such a tragic situation in that country that it posed a threat to international peace and security. The Security Council, having recognized this, felt that the establishment of an international tribunal to try persons presumed guilty of these crimes and actions would first help put an end to the situation and then remedy its effects.

Consequently, following a request from the Government of Rwanda, and by virtue of its authority under Chapter VII of the Charter of the United Nations, the Security Council, by resolution 955 (1994) of 8 November 1994, established the International Criminal Tribunal for Rwanda. Its creation, coming on the heels of the establishment of the International Tribunal for the Former Yugoslavia, is a recognition of the importance of justice in seeking national reconciliation. Legal proceedings must help break the vicious circle of violence, thus helping to promote national reconciliation in Rwanda and ultimately leading to renewed and lasting peace.

Political and social stabilization in Rwanda depends on whether all citizens, regardless of their ethnic origin, can be reconciled. Such national reconciliation would imply the due administration of justice, first of all to ensure that the guilty parties no longer feel they can act with impunity, which would act as a deterrent. Secondly, it would enable victims and their families to feel that justice was being done and that the real perpetrators were being punished, which would dampen any feelings of revenge. If justice is not done, there may be no end to hatred, and atrocities could go on and on, with the executioners believing they were immune to prosecution and the victims' thirst for revenge fuelled by a sense of injustice and the idea that an entire ethnic group was responsible for the atrocities committed against them. In this regard it is of paramount importance that justice be done, because this will help replace the idea of collective political responsibility with the idea of individual criminal responsibility.

The United Nations initiative of establishing two Tribunals is quite unprecedented. Although we should remember their prominent precursors — Nuremburg and Tokyo — we have to recognize that they were deeply imprinted with their particular political and judicial setting, were multinational as opposed to international, and were seen as the symbol of the "justice of the victors".

The precedent set by the establishment of the Tribunal for Rwanda is all the more remarkable in that this is the very first time in history that a failure to respect the provisions of international humanitarian law in internal conflicts has been internationally criminalized.

As to the main stages in the establishment of the Tribunal, as the Assembly is aware, on 24 and 25 May 1995 the General Assembly, by resolution 49/324, elected the judges who would preside over the court of first instance: Judges Lennart Aspegren of Sweden, Tafazzal Hossain Khan of Bangladesh, Yakov Ostrovsky of the Russian Federation, Navanethem Pillay of South Africa, William Hussein Sekule of Tanzania and myself, from Senegal. The fact that the Tribunal is made up of judges from different countries who therefore represent different legal traditions proves the will to ensure that the Tribunal is truly international.

The statute of the Tribunal provides that the Appeals Chamber, made up of five judges who sit in The Hague, is a common body serving both our Tribunal and the International Criminal Tribunal for the Former Yugoslavia. The 11 judges of the Tribunal met for the first time in June 1995 at The Hague to hold the first plenary session; we met there because our headquarters in Arusha were not ready. At the plenary meeting, I had the great honour to be elected by my peers as President of the Tribunal, while Judge Ostrovsky of the Russian Federation was elected Vice-President. During this initial plenary meeting, we took our oath and approved the rules of procedure and evidence, which, as provided for in Security Council resolution 955 (1994), basically take their inspiration from the rules for the criminal Tribunal for the former Yugoslavia, but include the necessary amendments.

The reason for having similar rules of procedure and evidence for the two Tribunals and a common Appeals Chamber was the desire to harmonize, to the extent possible, the procedures and functioning of the two Tribunals. The President of the International Criminal Tribunal for the Former Yugoslavia, Judge Cassese, and I have tried to work together to ensure such harmonization, because we believe that the greatest possible level of integration between our two Tribunals can only help in the establishment, in future, of what we hope will be a permanent and universally competent international criminal court.

Although it did not take long to establish the Tribunal's main legal instruments, we ran into problems when it came to its practical establishment, particularly in terms of its headquarters and Detention Unit.

The Security Council, in resolution 977 (1995) of 22 February 1995, decided that, subject to the conclusion of appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania, the International Tribunal for Rwanda would have its seat at Arusha. The headquarters agreement between the United Nations and the United Republic of Tanzania was signed on 31 August 1995 at New York, and a lease was subsequently signed for the renting of space to the Tribunal in the Arusha International Conference Centre. The cooperation of Tanzania, as host country, has indeed been exemplary. Its support for the Tribunal has been remarkable, and I should like here to express my appreciation to the authorities of Tanzania and to thank them for their constant support.

The Tribunal had been obliged to wait for a full year for a headquarters. Finally, in November 1995, it was able to move into the premises made available to it and begin to enjoy the support necessary to carry out its mission. Even then, working conditions remained very rudimentary. For several months, it had only essential staff and very limited communications facilities. In August, the necessary arrangements were made for establishing the Detention Unit. At first, an agreement with the Tanzanian authorities made available a part of the Arusha prison, but additional space was needed and construction is still continuing. When completed, the Unit will consist of about 50 cells, of which 12 were completed in May 1996, when the first three detainees were received on 26 May.

With regard to the Tribunal's other facilities at Arusha, arrangements have been made to build two courtrooms, the first of which was completed in August 1996; several sittings have been held there. The room, however, is not working as it should because it is not yet fully equipped with audio-visual facilities that will enable sittings to be videotaped for broadcast which will permit us to protect witnesses by scrambling their images and altering their voices.

The problems created by the lack of means at the Tribunal's disposal have been accompanied by others created by its geographical dispersion and jurisdictional issues. The Tribunal's headquarters, judges and Registry are at Arusha, but the Prosecutor is stationed at The Hague, while the remainder of the Prosecutor's staff are located at Kigali. Under the Tribunal's statute, the Prosecutor for the International Tribunal for the former Yugoslavia also serves as Prosecutor for the International Tribunal for Rwanda, which is why he exercises his dual mandate at The Hague. On 1 October 1996, Judge Louise Arbour of Canada replaced Judge Richard Goldstone of South Africa in both functions, and I should like to avail myself of this opportunity to pay a tribute to the work done by Judge Goldstone, whose great devotion and deep moral commitment have left their mark on both Tribunals. I am confident that Judge Arbour will continue to work in the same spirit. Judge Honoré Rakotomanana of Madagascar was appointed Deputy Prosecutor to assist Judge Arbour on 20 March 1995 and is stationed at Kigali. Upon his arrival there, he began to recruit personnel for the Office of the Prosecutor and establish the operational structures and procedures necessary for the conduct of investigations and judicial proceedings with a view to beginning work as soon as possible, notwithstanding the many logistical problems that existed, principally because of the geographical separation of the Office of the Prosecutor between Kigali and The Hague and because of numerous, sensitive security problems.

The Registrar, who is in charge of the Tribunal's organization and administration, was appointed on 8 September 1995 and has been at work since then with a very small staff. However, thanks to his initiative and resourcefulness, he has been able in a very short time to establish the appropriate administrative and legal infrastructure for the Registry's judicial activities, which became operational in November 1995.

With regard to the Tribunal's activities, I would recall that it was just one year after its establishment that the Tribunal actually began to function at Arusha. The first indictment of eight suspects was confirmed on 28 November 1995. Since then, 13 additional indictments have been confirmed for a total of 21 persons accused. With each accusation, a warrant is drawn up and transmitted to the authorities of the country in which that person resides or was last known to reside. Of the 21 accused, 13 have been arrested, of whom seven are at present in preventive detention in the Tribunal's Arusha Detention Unit. We are pleased to note that most of the countries to which requests have been submitted have cooperated with the Tribunal, but one of them, Zaire, perhaps owing to internal problems, has not, we regret to say, responded to our repeated requests.

The Tribunal held its first public hearing on 11 January 1996, at which time it reviewed a deferral request filed by the Prosecutor. This procedure enables the Tribunal to request the authorities of a State to defer to it in its consideration of cases that fall within its competence. Three deferral requests have been made by the Tribunal so far, and I am happy to say that they have all been given favourable consideration by the State authorities under the principles of the Tribunal's primary international jurisdiction.

The Tribunal has also adopted a new and original procedure under which a Judge may order the provisional detention and transfer to the Detention Unit of a suspect when he deems it necessary to prevent the escape of the suspect or the intimidation of victims and witnesses or when detention and transfer are vital to an investigation. The Tribunal has issued a request for the provisional detention and transfer of four important suspects now imprisoned in Cameroon. Subsequently, four more decisions were rendered extending provisional detention of the four suspects, and we trust the Cameroonian authorities will soon accede to the Tribunal's request for their transfer.

With regard to trials per se, the Tribunal has come a long way. The first three suspects appeared before the Tribunal in May 1996; this was an especially important event since it marked the very first time that an international criminal tribunal was sitting in Africa. Three additional proceedings have since been heard. However, notwithstanding all our efforts, the first trials on merit will not be held until January 1997, since lawyers have requested and been granted postponements in order to have more time to prepare their defence. We are aware of the criticism that this has aroused, and we regret the frequent deferrals, but it is our intention to hand down fair and impartial justice, and we feel obliged to respect the rights of the defence, as provided in article 14 of the International Covenant on Civil and Political Rights, which was the inspiration for article 20 of our statute and various other rules we have adopted to protect the rights of the accused.

Mr. Fernández Estigarribia (Paraguay), Vice-President, took the Chair.

I hope that many actual trials will start in the months to come, taking into account the number of initial hearings which have already taken place.

Thus, despite all the difficulties encountered and the very sensitive political context in which our Tribunal works, we feel that we can say today to the international community that we have done our utmost to carry out the mission entrusted to us. Yet, although much progress has been made, the Tribunal still has many challenges to overcome, which I will now briefly bring to your attention.

What are the problems currently confronting the Tribunal? The Tribunal has enjoyed support and assistance from a number of States in carrying out its mission. We would note in particular the importance of the cooperation offered to us by States, which can be identified on three levels. The first level is financial and material assistance. The second level is the actual effective cooperation between our Tribunal and the national judicial and police authorities of States. Finally, the third level is the modification of national legislation to allow for this kind of cooperation.

Many countries have in one way or another supported the activities of our Tribunal by making voluntary contributions, either by providing funds or by placing skilled staff at our disposal. The list of these countries is too long for me to thank each one individually here, but I would like to thank them all warmly.

The Tribunal depends to a large extent on the goodwill of States in carrying out its judicial functions. Cooperation between the organs of the Tribunal and States is necessary at all levels of judicial proceedings — from the collection of testimonies and the compilation of evidence to the arrest and detention of persons indicted. In this connection we would like to pay tribute to the countries that have arrested indicted persons, namely Belgium, Côte d'Ivoire, the United States, Kenya, Switzerland and Zambia.

The request for judicial assistance and cooperation is covered under article 28 of the Tribunal's statute, and Security Council resolution 955 (1994) clearly establishes the obligation of States to cooperate. This cooperation is vital for the Tribunal to operate properly. It is crucial that this cooperation be established as swiftly and as comprehensively as possible.

We know that very often there are legal, constitutional or administrative obstacles which prevent or slow down police and judicial cooperation between States and the Tribunal. Indeed, only a few countries have legally recognized the existence of our Tribunal by adapting their national legislation and enabling their national courts to cooperate with us. It is indeed regrettable that no African State is among these countries. We are not asking African States to provide substantial financial assistance, given the crisis which is being felt by all States, and particularly by developing countries. However, we have a right to expect African States to provide moral support to our Tribunal, as Europe provided moral support to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. We therefore appeal to all States to adapt their national laws where necessary in order to enable their national, judicial and police authorities to cooperate fully with the Tribunal.

In this connection, we shall shortly appeal to all Member States of the United Nations to comply with the obligation to cooperate with the Tribunal, as provided by the Security Council in the statute. I have also asked the Secretary-General of the Organization of African Unity to transmit this appeal to all African States.

I would also like to use this opportunity to appeal to all of you for cooperation in connection with the appeal made to you last 19 November by the President of the International Tribunal for the Former Yugoslavia in the Hall.

I should also like to mention to you some other difficulties encountered by the Tribunal in its daily work. First, the Tribunal as a whole, and the Office of the Prosecutor in particular, need greater human and material resources to continue and to speed up their work. Our Tribunal has not always enjoyed the support from the United Nations administration that it had expected. The practical problems faced by the Office of the Prosecutor in Kigali are particularly important and pressing. It is necessary to remember, while insisting that that Office be given adequate resources, that justice cannot be done in Rwanda without the necessary investigations and indictments being drawn up. It should enjoy the greatest possible support from the international community.

While I have no wish to touch on the political problems in the Great Lakes region, you will nevertheless appreciate the particularly difficult situation for our investigation teams in carrying out their investigations everywhere in Rwanda. Not only are their working conditions very precarious, but their very safety is

directly threatened. This therefore slows down all our inquiries and makes the task of the Prosecutor extremely complicated.

What is even more serious, we are also very disturbed by the implications of this political situation for our witnesses who might be called upon to appear before the Tribunal and thus place themselves at high risk. Most of them live in Rwanda and Zaire, sometimes in conflict areas. Access to most of the witnesses today is extremely difficult, if not practically impossible, and the problems attached to their security are numerous. This has been a matter of particular concern for the judges, who are perfectly aware of its importance for the organization of trials. If the protection of witnesses requires enormous resources, then we must recognize that the first prerequisite to doing so is the establishment of a unit to provide assistance to victims and witnesses in accordance with the Statute. There has been some delay here, but firm instructions have been given for this unit to be established as soon as possible.

In concluding, I should like to emphasize the importance of the mission entrusted to the Tribunal for the future of the Great Lakes region. The judges and all the staff of the Tribunal are aware of this and will do their utmost to insure that justice is done as diligently as possible, despite the difficulties encountered.

The report of the first year of the Tribunal shows that every effort has been made to carry out our work. The ground covered in the implementation of Security Council resolution 955 (1994) is substantial. The legal and administrative infrastructure necessary for trials is now under way, and numerous investigations are being carried out, 21 persons have been indicted, there are seven detainees in the Detention Unit at Arusha, and trials will begin in the coming months.

We are certainly aware that much remains to be done and that we have only partially responded to the expectations of the people of Rwanda and the international community. Nevertheless, one might well consider that what has been done already testifies to great perseverance, given the brief existence of the Tribunal and the numerous difficulties it has encountered. Despite those difficulties, the judges are utterly committed to the mission entrusted to them by the international community. They trust that they will be able carry out their work and will spare no effort to that end.

Mr. Mwakawago (United Republic of Tanzania): Permit me at the outset to express my delegation's sincere appreciation to Judge Laity Kama, President of the International Criminal Tribunal for Rwanda, for a comprehensive first report, which is quite informative. In spite of teething problems, the Tribunal is very much on course. The Tribunal must be enabled to discharge its mandate expeditiously and without any equivocation.

The United Republic of Tanzania welcomes the note of the Secretary-General on agenda item 59, as contained in document A/51/399 of 24 September 1996. The report which it transmits, submitted in accordance with article 32 of the statute of the International Criminal Tribunal for Rwanda as contained in Security Council resolution 955 (1994), provides a meaningful basis for evaluating the extent to which the Tribunal has been able to discharge its responsibilities and the challenges it faces in doing so.

The primary responsibility of the International Criminal Tribunal for Rwanda is to bring to justice those persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States between 1 January and 31 December 1994. That is the mandate which the international community entrusted to the Tribunal.

It is heartening to note from the report the progress the Tribunal has made in spite of some constraining circumstances facing its constituent parts — the Trial Chambers, the Office of the Prosecutor and the Registry. The progress made is commendable and deserves our support.

The report points out that the Tribunal at Arusha continues to require our increased support in terms of resources and judicial assistance. If we succeed in this challenge and thus enable the Tribunal to fulfil its mandate, we will have made a significant contribution towards a more effective regime of international law and the meaningful protection of human rights. We will thus be able to endorse the fact that law can indeed enhance the mechanisms that protect international peace and security while at the same time providing a critical catalyst for the healing process in Rwanda. We cannot afford to lose sight of that noble undertaking.

My delegation is concerned, however, that the Tribunal faces a precarious financial situation which may

impinge upon some of its activities, particularly those of the Office of the Prosecutor. It is the Office of the Prosecutor which bears the primary responsibility for investigations and prosecutions. Fulfilling our commitment to bring to justice those responsible for the genocide in Rwanda hinges significantly on the performance of this Office.

The Tribunal has already indicted a score of suspects. It could do more. Indeed, it needs to do more in order to demonstrate not only to the Rwandese population but to the international community that impunity will not be allowed to stand. Fugitives must be placed on notice: they can run, but they cannot hide. It needs to do more to hasten the process of reconciliation in Rwanda by expunging a sense of collective guilt and assigning individual guilt. It is the best way we can fulfil the aspirations of this Assembly in ensuring that the perpetrators of genocide in Rwanda are brought to justice, and in assuring the people of Rwanda that justice is not only done, but seen to be done.

The United Republic of Tanzania is with considerable apprehension concerned that the financial and operational difficulties facing the Tribunal may be seen as militating against any notion we may have regarding our common will for combating crimes against humanity and the mutual responsibility that it entails. This Assembly and this Organization must do their utmost to support both the Tribunal for Rwanda and the Tribunal for the former Yugoslavia. We have an enormous obligation to the survivors of the genocide in Rwanda and the former Yugoslavia and, indeed, to the victims of those heinous crimes.

Another aspect of critical importance to the mandate of the Tribunal pertains to the cooperation and support of States in the furtherance of its work. Those States among us and those organizations that have made generous donations in kind or to the Voluntary Trust Fund in favour of the Tribunal deserve commendation. Furthermore, the report of the Tribunal underscores the significance of judicial assistance that States have to render if the work of the Tribunal is to be facilitated. We therefore have a singular responsibility as members of the international community to render the necessary support in the execution of warrants and other judicial documents issued by the Tribunal. Once again, those States whose cooperation made possible the transfer of suspects to the Tribunal deserve our special commendation.

We do not need to be reminded of the fact that cooperation and judicial assistance with the International Criminal Tribunal for Rwanda are provided for in article 28 of its statute, stipulating that States shall comply without undue delay with any request for assistance or with any order issued by the Tribunal. Indeed, the statute, which is annexed to Security Council resolution 955 (1994), places upon us a legal obligation to cooperate with and assist the Tribunal in the fulfilment of its responsibility. Our cooperation and assistance are thus of critical significance for the healing process in Rwanda. This will also convey an unmistakable message to the perpetrators of the genocide about our resolve to prosecute. It should also serve to warn them that they cannot take consolation in the possibility of our failure to cooperate with or render assistance to the Tribunal.

The United Republic of Tanzania supports the call for sufficient means to enable the International Criminal Tribunal for Rwanda to discharge the mandate placed upon it and fulfil the aspirations of the international community. That mandate and those aspirations are about justice and humanity. Our resolve to prosecute those responsible for the genocide must therefore never be placed in question. It is the only way which, through the accomplishment of the mission of the Tribunal, we can leave a legacy not of disenchantment and hatred, but of hope for humanity, justice and peace.

In conclusion, my delegation would like to convey its strongest commendation to the Government and people of Rwanda for the sterling work they are doing to receive the refugees and returnees from eastern Zaire. They deserve the unwavering support of the international community. The return, resettlement and reintegration of the refugees into Rwandese society is an important beginning in that country's healing process and renewal. The onus now is on the international community to extend a generous helping hand in support of that process.

Mr. Gumbi (South Africa): At the outset, I would like to thank Judge Laïty Kama, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for his comprehensive introduction of the report of the Tribunal as contained in document A/51/399. I should also like to express my Government's sincere appreciation to the former Prosecutor, Justice Richard Goldstone, for his

efforts during the initial stages of this Tribunal and to assure his successor, Judge Louise Arbour, of the continued support of the South African Government for the work of both the Rwanda and Yugoslavia Tribunals.

The report under consideration today by the General Assembly is of singular importance, as it marks the first time that the Assembly is considering developments that have taken place since the establishment of the Rwanda Tribunal by the Security Council in resolution 955 (1994) of 8 November 1994.

In any new institution, a number of teething problems arise which require immediate attention and innovative solutions to ensure ultimate success. The Rwanda Tribunal is no exception. Obstacles such as establishing the necessary administrative infrastructure and the precarious financial situation at the United Nations contributed to hindering the work of the Office of the Prosecutor during 1995, while the Tribunal's Registrar was appointed only on 8 September 1995.

Although the Office of the Prosecutor still continues to suffer from major staff shortages, a situation which must be rectified as soon as possible, substantial progress has in fact also been made during this last year. During the period covered by the report, the Tribunal has established its headquarters in Arusha in the United Republic of Tanzania, and the legal and material structure necessary for the proper progress of its judicial activities has also been established.

The first preparatory stage has almost come to an end, and the Tribunal has already become fully operational. Moreover, 14 suspects have been indicted for genocide, and we note from the report that many new indictments are being prepared, which will make it possible to charge a number of additional people with serious violations of international humanitarian law.

Unlike courts at a national level, the Rwanda Tribunal has no enforcement agencies at its disposal, and thus has to rely on the intervention and assistance of national authorities if it wishes, for example, to issue arrest warrants, obtain documentary evidence or search the scene where crimes have allegedly been committed. It is for this reason that cooperation by Member States with the Tribunal becomes so essential. It is important to note that this cooperation is not voluntary, but rather obligatory, by virtue of the creation of the Rwanda Tribunal under Chapter VII of the Charter of the United Nations. That being so, Member States must hand over to the Tribunal those individuals who have been indicted for serious breaches of international humanitarian law, since failure to do so would undermine not only the work of the Tribunal but also the prospects for lasting peace in the region.

This cooperation, furthermore, requires the enactment of national legislation. The uniqueness of the task, coupled with the difficulties inherent therein, has highlighted the need for combined action to address this matter. For this reason, my Government, together with the organization known as Parliamentarians for Global Action, will host an international workshop in Cape Town during February 1997 which will address the terms, problems and solutions relating to cooperation with the Rwanda Tribunal. Its objectives will be, *inter alia*, to provide a review of the terms of Member States' cooperation with the Rwanda Tribunal and to identify the practical difficulties, both constitutional and statutory, encountered by Governments in adopting such legislation.

As mentioned in paragraph 77 of the report, a number of challenges face the Rwanda Tribunal during 1997. My delegation is of the view that it is essential that the Office of the Prosecutor be provided with the necessary human and material resources it needs to continue and even speed up the pace of its work. In addition, the Tribunal must be given the necessary financial resources to enable it to complete the construction of the two envisaged courtrooms and accommodation for both victims and witnesses.

Let me conclude by reaffirming my Government's commitment to the success of the International Criminal Tribunals for Rwanda and Yugoslavia. The creation of these Tribunals represents a clear sign that the international community will no longer tolerate violations of international humanitarian law, and will help to ensure that those individuals who commit grave breaches of international humanitarian law will find no safe haven anywhere in the world, but will be forced to answer for their actions in a court of law.

A unique opportunity awaits the international community to formalize this arrangement with the creation as soon as possible of a permanent international criminal court — an ideal which my Government fully supports.

Mr. Berteling (Netherlands): I wish first to thank the President of the Rwanda Tribunal for his important

statement and for introducing the report of the Tribunal.

A few weeks ago, we discussed the report presented by the President of the Yugoslavia Tribunal. Much that was said at that time applies equally to the Rwanda Tribunal. That is to say, the Rwanda Tribunal is faced with a very difficult task: to judge persons responsible for one of the most egregious crimes imaginable to humanity — the crime of genocide. This task is so difficult because, *inter alia*, of the number of suspects, the limited resources, high expectations among survivors of the genocide, and the sometimes low priority given within States to cooperation with the Tribunal.

It would, however, be too easy to join defeatist opinions and to conclude that the mission is an impossible one. My country has had high expectations of the Tribunal since its creation, and it continues to have these expectations. From this perspective, I would like to draw attention, as did Judge Kama himself a moment ago, to the problems with which the Rwanda Tribunal has been and still is confronted and which are impeding the effective functioning of the Tribunal. These remarks are made against the background of the Netherlands being a "partial host country" for the Rwanda Tribunal and being a seriously concerned Member State of the United Nations, which believes in the promotion and development of international law.

First of all, it needs to be pointed out that the Rwanda Tribunal has always stood in the shadow of the Yugoslavia Tribunal. Political, diplomatic and legal circles have concentrated on the Yugoslavia Tribunal. This is a rather unfortunate and unjustified situation. After all, the seriousness of the crimes committed and the number of victims in Rwanda are at least on a similar scale to those of the crimes perpetrated in the former Yugoslavia. The Netherlands therefore hopes that in the future international attention will be more equally divided between the two ad hoc Tribunals. The fact that the first trial before the Rwanda Tribunal will, it is hoped, start at the beginning of next year may contribute to more balanced attention for both Tribunals.

Secondly, the Rwanda Tribunal is faced with serious financial and managerial problems. The Netherlands has regularly been confronted with these problems, *inter alia*, when it tried to have extra personnel start their investigative work for the Tribunal. Coordination between the Tribunal and United Nations Headquarters has been far from optimal. Budgetary decisions have been implemented too slowly. As a result, considerable delays in the implementation of the work of the Tribunal have occurred. Highly motivated people became frustrated with these problems. This is an undesirable situation that requires rapid and effective measures to be taken.

In this respect, the Netherlands welcomes the recent mission to the Tribunal of the Office of Internal Oversight Services. It looks forward to the findings of this mission, and sincerely hopes that it will lead to concrete improvements. After all, the work to be done is almost insurmountable. In view of this fact, it is of the utmost importance that the resources available should be used in the most effective way. Given the limited temporal jurisdiction of the Tribunal — only the crimes committed in the year 1994 are covered — the credibility of the Tribunal will be in jeopardy if prosecutions have to wait for too many years.

Thirdly, I should like to draw attention to the question of the cooperation of States with the Tribunal, as earlier speakers have done. Lacking its own enforcement powers, the Tribunal is fully dependent on the cooperation of States for its very functioning. Only a limited number of States have passed legislation enabling such cooperation. Furthermore, although the whereabouts of many of the leaders responsible for the genocide are well known, only a limited number are imprisoned and only a few of them are in the hands of the Tribunal. The Netherlands attaches great importance to breaking the circle of impunity that has reigned in Rwanda during the past decades. Every effort should be made, by all States that are in a position to do so, to arrest suspects of the genocide and to enable the Tribunal to act in accordance with its task, which was given to it by the Security Council.

With the adoption of resolutions 827 (1993) and 955 (1994), creating the ad hoc Tribunals for the former Yugoslavia and for Rwanda, the Security Council took remarkable steps, not only in relation to its primary task of maintaining international peace and security, but also in relation to the promotion of international law. Those decisions underpin the fact that peace and justice are inseparably linked. The world community has high expectations in this field. But that world community does not believe in words; it believes in action. The ad hoc Tribunal for Rwanda, the United Nations itself and United Nations Member States have the responsibility to do everything within their respective powers to contribute to the work of the Tribunal.

In this respect, I should also like to recall that discussions are taking place about the creation of a permanent international criminal court. As many delegations are aware, my country attaches great importance to a successful continuation of these discussions and to the creation of such a court. Both ad hoc Tribunals serve as examples for that court. Lessons can be learned, and mistakes and shortcomings must be prevented in the future.

I wish to reiterate my country's firm commitment to supporting the Tribunal, and call upon all the parties involved — States Members of the United Nations and the United Nations itself — to do their duty and make the International Tribunal for Rwanda a success. That success is urgently needed — for the victims of the genocide in Rwanda, for the credibility and stature of the United Nations and for the development of international law.

Mr. Mangoaela (Lesotho): My delegation wishes to express its appreciation for the first annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994. We thank the President of the Tribunal, Judge Laïty Kama, for his comprehensive and lucid introduction of the report. We wish particularly to commend the entire team composing the International Tribunal for Rwanda for its untiring efforts and commitment during the exceptionally trying times of the Tribunal's infancy.

There is no doubt from reading the report that the Tribunal has made significant progress in overcoming some of its teething problems, and that it is now in a position to concentrate on its priority task of bringing to justice the perpetrators of the dreadful crimes committed in Rwanda and neighbouring States. We are particularly delighted to note that some of the necessary practical arrangements for the effective functioning of the Tribunal have been finalized and that the offices of the Registrar and the Prosecutor are functioning. The swiftness with which the Tribunal has moved in putting in place structures necessary for the meaningful progress of its judicial activities and the commencement of trials is commendable.

We have noted several other welcome developments from the report. Besides the swift establishment of its normative and logistical infrastructure, the Tribunal's first indictment of eight suspects, and the subsequent confirmation of these indictments in November 1995, are indicative of the Tribunal's commitment to prosecute all suspects without delay. Of particular significance to the international community, and especially to Africa, was the first appearance before the Tribunal of three accused persons, in May 1996. This event should be hailed as an important milestone marking the beginning of an era in which the pursuit of justice will assist the cause of peace. My delegation believes that peace and justice are mutually supportive, and that the two should be pursued together.

We welcome the significant contributions of the international community, international organizations and non-governmental organizations, which, through various forms of contribution, have generously supported the Tribunal. This support should be not only continued, but increased and enhanced, to ensure that perpetrators of the worst crimes against international humanitarian law will never be allowed to feel secure, and that victims will receive comfort through the authority of the law and not through the barrel of the gun.

The report before us also highlights some of the difficulties that the Tribunal is faced with in the performance of its duties. Among these are the problems of the obligations of States fully to cooperate with the Tribunal. On previous occasions, my delegation has stressed the importance of effective cooperation between States and international tribunals by stating that such cooperation is a prerequisite for the success of international tribunals. The need for cooperation and support of all efforts for the effective functioning of the Rwanda Tribunal has thus been justifiably stressed in the report.

The obligation to cooperate stems from States being Members of the United Nations. As members of the world body, all States are required to give the United Nations every assistance in any action it takes in accordance with the Article 2, paragraph 5, of the Charter. Furthermore, under Article 25 and Chapter VII of the Charter, Members are obliged to carry out decisions of the Security Council. The cooperation of States with the Rwanda Tribunal has been ensured through a binding resolution of the Security Council under Chapter VII: Security Council resolution 955 (1994).

The types of cooperation that are envisaged to enhance the Tribunal's effectiveness include, among

others, informing the Prosecutor of the arrest of a suspect or an accused person; informing the Registrar promptly of an arrest or the inability to execute an arrest warrant; informing all accused persons, at the time of their trial, of their rights and the charges that they face in a language that they understand; and surrendering or transferring the accused persons to the Tribunal without resorting to the traditional cumbersome extradition procedures.

We have been particularly pleased to note the healthy working relationship and cooperation that the Tribunal has enjoyed with various Governments. In particular, the spirit of cooperation demonstrated by the Governments of Zambia, Belgium and Switzerland in several cases where the Rwanda Tribunal has made formal requests for deferral of investigations and legal proceedings after the arrests of suspects, is commendable and should be emulated by the rest of the international community.

One of the primary duties flowing from Security Council resolution 955 (1994) is the enactment of legislation permitting cooperation with the Rwanda Tribunal. Citing the normally unjustified complexity of carrying out this task, the international community has been particularly slack in complying with this requirement. It is regrettable that in the almost two years since the establishment of the Rwanda Tribunal, only 11 States have so far enacted legislation authorizing cooperation with the Tribunal.

Lesotho reiterates its commitment fully to cooperate with the Rwanda Tribunal, in accordance with the provisions of the Security Council resolution. Lesotho, together with its partners in the southern African region, will continue to pursue all means aimed at satisfying the requirements for effective cooperation with the Tribunal. We reiterate our call on States, particularly African States, to rally their support and fully cooperate with the Rwanda Tribunal to ensure that it fulfils the difficult tasks that have been entrusted to it. There can be no justification, legal or otherwise, for failing fully to cooperate with the Tribunal.

The creation of the Rwanda Tribunal has enhanced the momentum towards the creation of a permanent international court by providing fresh impetus to considerations for the establishment of such a court. The perceived success or otherwise of the Tribunal at this early stage could either enhance or frustrate the prospects for a permanent court. If the Tribunal is able to gain custody of alleged offenders and actually hold trials, the decision both to create it and to allocate resources to enable it to operate will be vindicated, and arguments for the creation of a permanent court will be strengthened. Should the Tribunal fail to conduct trials or be able to try only a small number of accused, those who have been critical of it will question the expediency of creating a permanent court. For these reasons, the Tribunal deserves our strong and unequivocal support.

Let me conclude by expressing my delegation's appreciation to the Government of the United Republic of Tanzania for hosting the Tribunal and for its continuous support of that body's work.

Mr. Petrella (Argentina) *(interpretation from Spanish)*: I wish sincerely to thank the President of the Tribunal, Judge Laïty Kama, for his statement, which we deem historic.

We welcomed with satisfaction the first annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda. That satisfaction was due to the fact that the report's very submission, as well as the statistics it provides, testify to the start-up and the consolidation of the work of the Tribunal — created in 1994 by the Security Council at the request of the Government of Rwanda — to try those responsible for the enormous and flagrant crimes perpetrated in that country. Through that action, the Security Council assumed, in conformity with prevailing circumstances, the responsibilities conferred on it under Chapter VII of the Charter.

This sent the clear message that the international community was not prepared to allow aberrant acts to go unpunished, and that this punishment was essential in order to restore peace in Rwanda and to contribute to the process of national reconciliation.

In addition, this historic event reflects the trend initiated by the International Court of Justice in the 1950s to limit the scope of domestic jurisdiction over certain kinds of practices and policies that are repugnant to the collective conscience of the civilized world.

Argentina, a member of the Security Council in 1994, supported the establishment of the Tribunal just as we had earlier supported the establishment of the International Tribunal for crimes committed in the territory of the former Yugoslavia, because of our conviction that international peace and security depend

more on individual responsibility than on so-called collective responsibility.

We find it encouraging that both Tribunals today are operational and that the Tribunal for Rwanda, despite difficulties, has been able to begin its judicial action, which has included confirmation of the indictment of 21 individuals. We also find the considerable progress achieved by the Office of the Prosecutor praiseworthy despite the obstacles it has faced. The Tribunal now must undertake the enormous task of investigating thousands of cases to ensure the judging and the sentencing of, at the very least, those primarily responsible for crimes that, because of their seriousness, are an affront to the international community as a whole.

As the experience of the Tribunal for the former Yugoslavia has demonstrated, the cooperation of States is essential to this task and to ensuring that evidence is produced and that suspects are surrendered.

The viability of these International Tribunals — which have no enforcement capacity of their own — depends almost exclusively on broad and unconditional compliance by States with their legal obligation and their moral duty to cooperate.

With the creation of the Tokyo and Nuremberg Tribunals and, almost 50 years later, of the Tribunals for the former Yugoslavia and Rwanda, the international community has affirmed that justice is imperative for a stable peace. The functioning of these Tribunals must be taken into account in our negotiations for the establishment of an international criminal court, which are taking place on the basis of the draft statute effectively prepared by the International Law Commission. Argentina attaches the utmost importance to a general and permanent international criminal court.

Recent history and our collective commitment to the future make it a necessity to contribute to the success of these institutions, which will establish a system based on international law and on the responsibility of individuals for their own acts.

Finally, we pay sincere tribute to the people of Rwanda, whose suffering will not have been in vain if the international system is able, after so many years, to establish a permanent international criminal court.

Mr. Abdellah (Tunisia) (*interpretation from French*): At the outset, I should like to thank the President of the International Criminal Tribunal for Rwanda, Judge Laïty Kama, for introducing the first report on the work of the Tribunal. This report gives us an opportunity to learn about the progress that has been made in establishing the Tribunal and of the work done so far as part of the mission entrusted to the Tribunal by the Security Council in resolution 955 (1994).

I would also like to pay tribute to Judge Richard Goldstone for his work in carrying out his functions as Prosecutor for the International Tribunals on the former Yugoslavia and Rwanda. I congratulate his successor, Judge Louise Arbour, and wish her every success in her new position.

As we take up this issue, the situation in the Great Lakes region continues to be a source of concern to the international community because of the prevailing tension and the hostilities there. The situation is particularly dangerous in that — if preventive measures are not taken very soon — there is a risk of a recurrence of the tragedy of 1994, when hundreds of thousands of Rwandans were savagely killed.

Without a doubt, the problems that require urgent and sustained action include the impunity of certain criminals responsible for genocide in Rwanda. Until that problem is resolved, national reconciliation, which is essential for the normalization of the situation in the country, will remain a pious wish.

It is from this perspective that we see the establishment of the International Tribunal for Rwanda. It was established in response to the international community's resolve not to let crimes against humanity go unpunished and to prevent any recurrence of such crimes.

While we welcome the establishment of the Tribunal, we nevertheless regret that it took far too long, prolonging the problem of impunity and giving several criminals time to shift into other activities and thereby escape justice.

As the report before us emphasizes, the lack of financial resources was responsible for delaying the start of the Tribunal's work. It has been only through the commendable actions of certain Member States and non-governmental organizations that the Tribunal has been able at last to begin operating.

Without adequate means, it would obviously be difficult to provide the necessary resources for judicial work. We believe that mobilizing sufficient financial resources is essential if the Tribunal is to do its work at a time when the number of suspects should be increasing as progress is made in investigations.

According to the report, the Prosecutor has said that he intends to follow a strategy similar to that followed by the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia, giving priority to investigations and the prosecution of individuals who had major responsibility for events in Rwanda in 1994. The reason given in explanation of this strategy relates once again to financial problems.

In proceeding in this way, there is a danger that the Tribunal might not be entirely up to the task of prosecuting all criminals without distinction. But that is a fundamental principle that must be respected if we are to reassure the populations and strengthen their confidence that all those responsible for the genocide will be brought to justice. While we understand why the Office of the Prosecutor adopted this strategy, we must emphasize that it is up to the international community to provide the necessary material support to ensure that all criminals can be brought to justice.

Unless there is a lasting and comprehensive solution to this problem of impunity, the situation in the Great Lakes region will remain precarious and the tragedy of Rwandan refugees will continue to be a source of instability. In other words, the role of the Tribunal is not confined to justice, but extends to the political arena as well, because the actions it takes can promote a climate conducive to the re-establishment of a lasting peace in the region.

Another very important factor here is cooperation between the Tribunal and Member States, particularly those of the Great Lakes region. The need for cooperation is emphasized several times in the report on the work of the Tribunal and it is necessary to give this problem the attention it deserves.

In the final declaration adopted at the summit held in Tunis, from 16 to 18 March 1996, the Heads of State of the Great Lakes region stated that they undertook to support fully the International Criminal Tribunal for Rwanda and to transfer all persons charged in their territory to the legal authorities. The Heads of State also reaffirmed their resolve to cooperate fully with investigations by competent legal bodies.

This was a commendable commitment by the Heads of State of the region to helping the Tribunal to carry out its mission. We trust that the commitment of the international community will be equally consistent, so that the mission that has now begun can successfully complete its work.

Mr. Wouters (Belgium) (*interpretation from French*): My delegation wishes, first, to thank the President of the International Criminal Tribunal for Rwanda, Mr. Kama, for introducing this first report on the activities of the Tribunal, published in document A/51/399. This report begins by giving us an overview of the practical measures that have been undertaken in order to set up the Tribunal. It then provides a summary of its initial judicial activities. The report will serve as a useful reference for assessing progress achieved by the International Criminal Tribunal in the future.

Today's debate gives me an opportunity to recall the importance that Belgium has always attached to the establishment of this Tribunal and, above all, to its effective operation. This commitment is not mere rhetoric; it has been backed up by a considerable financial contribution from Belgium to assist the Tribunal in accomplishing its tasks. In addition to this financial assistance, Belgium has given complete judicial cooperation by adopting, last March, a law which provides for the deferral of Belgian courts to the International Criminal Tribunal when that Tribunal so requests. It is on the basis of this law that the Belgian judicial authorities deferred three cases, as can be seen in paragraph 48 of the report before us today.

Support for the International Criminal Tribunal is clearly essential if we wish justice to be served as well and as swiftly as possible. We cannot allow time and inaction to erase the horror of the massacres that took place in Rwanda. Belgium would therefore reiterate its appeal to all Member States to cooperate fully with the work of the Tribunal. This is in fact what the report requests in its conclusion, which emphasizes that

> "the cooperation of States plays an important role in regard to the Tribunal's work." *(A/51/399, para. 76)*

While it is essential, we must not, think that this cooperation of Member States will suffice in itself to

guarantee success. It is also up to the International Criminal Tribunal to organize itself as effectively as possible in order to carry out the tasks entrusted to it.

So far, 21 individuals have been indicted, of whom 13 have been arrested. More than two years after the massacres which took the lives of hundreds of thousands of individuals, we may wonder if more could not be done to detain and to try all those responsible for these atrocities. Justice dictates the use of extreme caution, of course, and we would be flouting justice were we to act in haste. But caution cannot justify all the delays.

It is true that the establishment of an institution such as the International Criminal Tribunal for Rwanda encounters numerous difficulties, which are sometimes difficult to overcome. In addition to the practical difficulties referred to in the report, the functioning of the International Criminal Tribunal is sometimes hampered by cumbersome procedures, resulting from a delicate combining of various legal systems. In this regard, it would seem essential to establish a true judicial strategy in order to improve the procedures. Today we must learn from these difficulties in order to overcome them as quickly as possible, to enable the Tribunal to focus on the essential task: trying those responsible for the genocide in Rwanda. The credibility of the Tribunal is at stake, without which it will not command respect.

With the recent massive return of refugees, Rwanda has greater need than ever for the justice that the International Criminal Tribunal has been entrusted to provide. This is because, first, it would be inconceivable for those responsible for the massacres to escape the sentencing they deserve; secondly, because we cannot hope to build national reconciliation in that country by abandoning it to a climate of suspicion. This would only ignite passions, the spirit of revenge and the cycle of violence once again.

The success of the International Criminal Tribunal is important not only for Rwanda, but for the entire international community. Its experience, as well as the experience of the International Tribunal for the former Yugoslavia, will certainly enable us to smooth the way for creating an international criminal court. My delegation is aware of the complexity of this undertaking. It is nevertheless convinced that this Court will be the best preventive response to those who, trusting in the immunity offered by the chaos of war, cold-bloodedly order the massacre of entire groups of human beings.

Mr. Hasmy (Malaysia): My delegation thanks Judge Laïty Kama, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in Rwanda, for the Tribunal's first annual report, as contained in document A/51/399 of 24 September 1996.

The senseless human tragedy that befell Rwanda in 1994 is still vivid in our minds. The world saw how, in the short space of three months, from April to July 1994, a mindless genocide following the breakdown of law and order resulted in nearly 500,000 lives lost and 3 million people displaced from their homes, half of whom ended up in refugee camps in neighbouring States. We see to this day the spillover effects of this enormous human tragedy on neighbouring countries, such as Burundi and Zaire, where we have witnessed similar violent clashes and senseless killings.

As the international community gradually came to grips with what was then happening, various forms of assistance were mobilized to bring some semblance of law and order to Rwanda and the other countries affected by the tragedy. We laud the efforts undertaken by the international community, spearheaded by the United Nations, to reach out and provide relief assistance. Recently we witnessed lines of refugees streaming out of Zaire and back to the places from which they had initially escaped, indicating that some measure of success has indeed been achieved and that a measure of law and order has been restored. These efforts should be further encouraged and supported.

Malaysia welcomes the serious efforts undertaken by the Rwandan Government towards national reconciliation and rebuilding the country. We also welcome the efforts by the neighbouring countries and personalities in establishing an environment conducive to the restoration of peace and stability in the region, thereby encouraging the return of refugees and displaced persons.

Nonetheless, efforts aimed at the return of peace and stability through the restoration of law and order can truly succeed only on the basis of the restoration of public confidence in the rule of law in Rwanda. This means nothing less than bringing the perpetrators of the genocide in Rwanda to justice. Herein lies the important role of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide in Rwanda. It is imperative that we prevent another cycle of violence, initiated by those who might feel that they were

denied justice and might take the law into their own hands to avenge the deaths of their loved ones in the name of justice.

My delegation therefore welcomes the establishment of the Tribunal. We offer congratulations on the appointment of Judge Laïty Kama as its President. His wise and courageous leadership and vast experience and legal expertise will indeed be crucial in guiding the Tribunal in its critical role of re-establishing public confidence in the rule of law in Rwanda.

Genocide, whether it occurs in Rwanda or in the Former Yugoslavia, is a crime against humanity which should be condemned, as it involves the systematic slaughter of fellow human beings purely on the basis of their ethnicity or religion. Wherever it rears its ugly head, it is an assault on our common humanity and ought to be strenuously resisted by the international community. In this regard, therefore, the importance of this Tribunal cannot be overemphasized. Like the International Tribunal for the Former Yugoslavia, it is an essential instrument for investigating genocide and other serious violations of international humanitarian law committed in Rwanda and for prosecuting those guilty of these crimes against humanity. The Tribunal serves as the conscience of the international community. It is the manifestation of the moral outrage of humanity over the transgressions of civilizational norms and ethics. The effective and successful conclusion of the work of the Tribunal is important so as to ensure that punishment of the guilty is meted out through due process of the law rather than through sporadic or organized acts of vengeance which would only unleash renewed cycles of violence.

The Tribunal should be commended for its work, for in spite of numerous obstacles and challenges and serious financial and other constraints it has been able to make substantial progress thanks to the commitment and dedication of its officers. It deserves every support and encouragement from the international community — be it moral, political or financial — so that it may fully discharge its responsibilities. Its inability to do so would be an indictment of our lack of collective resolve and commitment to do what we believe is right.

Mr. Henze (Germany): Allow me to convey through you, Mr. President, my deep appreciation of the report of the International Criminal Tribunal for Rwanda and its presentation by the Tribunal's President.

Germany is highly conscious of the pivotal function of the Tribunal's work. In our view, the successful work of the Tribunal is a prerequisite for national reconciliation in Rwanda. It is essential for the Tribunal to show that acts of genocide, on whichever side they may have been committed, will not go unpunished. Swift and effective action is required to convince the families of the victims that justice, not revenge, is the order of the day. Only justice can stop an escalation of revenge.

Germany appreciates the Tribunal's achievements to date: twenty-eight cases have been taken up, and in 21 of them, indictments have been made; 12 suspects are being detained in Arusha and elsewhere; and three trials have commenced.

However, Germany is also aware of the difficulties in the work of the Tribunal. We understand that some Governments are impatient with what they consider the slow progress in the Tribunal's work. Nevertheless, we appeal to everyone to show patience and lend their valuable and indispensable support to the Tribunal. Any lack of cooperation based on a negative evaluation of the Tribunal's performance could become a self-fulfilling prophecy.

Germany agrees with all those who urge that all available means be used to speed up the work of the Tribunal. Any obstacles that may stand in the way of the swift execution of the Tribunal's work ought to be examined and removed. It is not only the credibility of the Tribunal that is in danger. At stake is also the credibility of the United Nations, which has, through its Security Council, established the Tribunal and reaffirmed in a number of resolutions the obligation of all States to cooperate fully with it. Also at stake is the credibility of the international community as a whole, from which Rwanda rightly expects a sensible and effective contribution to the criminal prosecution of genocide. Ways must be found to improve cooperation between the Tribunal and the Governments concerned.

My Government continues to lend its political and material support to the Tribunal. The Prosecutor to be delegated by my Government, who gathered valuable experience as a member of the Human Rights Field Operation in Rwanda, will have taken up his position with the prosecution authorities in Kigali by the end of this week. My Government has instructed me to avail myself of this opportunity to express once again Germany's unequivocal commitment to the Tribunal and its purpose: that justice be done and be put into practice.

Germany calls upon all States to lend their active support to the Tribunal. We furthermore convey our thanks to all those States that have already proved, in individual cases, their willingness to cooperate with the Tribunal. Our special appreciation goes to the United Republic of Tanzania as the host country of the Tribunal.

There is no alternative to the Tribunal if we are to overcome the stigma of the genocide that continues to stand in the way of reconciliation in Rwanda. This opportunity must not be wasted.

Mr. Politi (Italy): First of all, I wish to thank the President of the International Criminal Tribunal for Rwanda, Chief Justice Laïty Kama, for his comprehensive and thoughtful presentation of the first report on the activity of the International Tribunal.

The report underlines the progress made by the Tribunal in its first year of existence and the challenges that it still faces if it is to carry out the mandate given it by the Security Council. We are pleased to note that the Tribunal has become operational and that its judicial activities have begun. Indictments have been handed down and confirmed. Persons accused have been apprehended and have made their initial appearances before the Tribunal. The first trials are planned for January 1997.

As in the case of the International Criminal Tribunal for the Former Yugoslavia, we would like to reiterate here Italy's strong and unreserved support for the action of the Tribunal for Rwanda.

The report also gives us an account of the problems encountered by the International Criminal Tribunal for Rwanda in carrying out its functions. As stated by Chief Justice Kama, the cooperation of States plays a crucial role in regard to the Tribunal's work. This cooperation may take place at various levels and include financial and material assistance; effective cooperation between the Tribunal and the national judicial and police authorities; and the enactment of implementing legislation enabling States to cooperate with the Tribunal. We concur in the view expressed in the report that in order to fulfil these tasks, the Tribunal must be given sufficient means and receive the full support of the international community.

Italy has consistently advocated the need for effective prosecution and punishment at the international level of acts of genocide and other serious violations of international humanitarian law. The International Criminal Tribunal for Rwanda has a very important role to play in this respect, and Italy is committed to its success. Moreover, and this point has been stressed by several speakers today, the experience of the Tribunal for Rwanda, like the experience of the International Criminal Tribunal for the Former Yugoslavia, is to be considered as one of the key elements for the future establishment of a permanent international criminal court, a project that is well under way and for which Italy has offered to host, in 1998, a diplomatic conference to adopt a statute for such a court.

In concluding, let me express once again my country's firm commitment to supporting the International Criminal Tribunal for Rwanda.

Mr. Ubalijoro (Rwanda): At the outset, I should like to express my Government's gratitude to the President of the International Tribunal for Rwanda for having submitted the annual report of the International Tribunal to the General Assembly (A/51/399). I should also like to convey, on behalf of my Government, our special appreciation for the statements of solidarity, encouragement and sympathy expressed by Member States here today.

Now that the International Tribunal for Rwanda has begun, after significant frustrating delay, its long-awaited trials for war crimes committed in Rwanda, we all know that this will be a critical test of the Tribunal's commitment effectively to address the Rwanda cases of genocide.

Two years ago, while the former genocidal Rwandan leadership and its militias were butchering over 1 million Rwandans, the reports of systematic rape as a tactic of war received little attention. One survey conducted in the capital, Kigali, and several other areas by Rwanda's Ministry of Family and Women's Affairs estimated that, during the genocide crisis, more than 15,700 girls and women between the ages of 12 and 65 were raped. In all the areas in which the militias massacred civilians, its members also raped women. The real number of women who were raped will never be known since most victims of rape choose to remain silent because they are either traumatized, ashamed or bitter against society. Some women were gang-raped, some were forced to watch their families murdered and were then raped and some were taken as prizes of war and coerced into living in the homes of the men who had raped them. While the International Tribunal for war crimes at The Hague continues to investigate atrocities

and to seek the indictment of human rights violators, the voices of the victims must be given new priority.

Today, Rwanda's population is 70 per cent women, 60 per cent of whom are widows. Some of them are victims of rape, forced prostitution, forced pregnancy and other related crimes, which were used as instruments of crimes against humanity and genocide.

My Government would like to take this opportunity to pay tribute to Canadian Judge Louise Arbour, who has replaced Richard Goldstone of South Africa as the chief Prosecutor of the Rwanda and Yugoslav Tribunals. In light of her brilliant career, we are convinced that she will continue the legacy of Judge Goldstone, do her utmost to expedite genocide trials and give particular attention to gender-related crimes.

As stated in the report on the International Tribunal for Rwanda, the Tribunal has, over the past two years, concentrated mainly on the establishment of the legal and material infrastructure necessary for the proper progress of its judicial activities and the commencement of trials. However, that stage has taken too long. The survivors of genocide have begun to lose hope in the structure, purpose and objective of the International Tribunal for Rwanda.

I should like to give an example of one of the major failures of the International Tribunal for Rwanda. As the report states, on 17 May 1996, Judge Aspegren rendered four decisions ordering provisional detention for a period of 30 days of four well-known key architects of the genocide in Rwanda. These were Mr. Théoneste Bagosora, Mr. André Ntagerura, Mr. Ferdinand Nahimana and Mr. Anatole Nsengiyumva, all of whom were being held by the Cameroonian authorities. After an *inter partes* hearing between the defence council and the Prosecutor, the detention of the four suspects was extended for 30 more days. Today, the tergiversation continues as further extensions are made and hearings postponed. These criminals have not been handed over to either the Rwandan Government or the International Tribunal for Rwanda, both of which have asked for them to face trial.

I have singled out this case to demonstrate how the political will of Member States and of the international community is essential for the success of the International Tribunal for Rwanda. Some Member States have demonstrated exemplary political will by giving appropriate follow-up to their international obligations as set forth in contained in Security Council resolutions 955 (1994), which established the International Tribunal for Rwanda; resolution 978 (1995), which deals, *inter alia*, with detention: and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. Some other Member States have been silent, as if crimes against humanity in a small African country were of no consequence to them.

We are pleased that the President of the Tribunal has taken the initiative of contacting the Secretary-General of the Organization of African Unity (OAU), asking him to transmit the appeal of the International Tribunal to all African States and requesting them to comply with the obligation to cooperate with the International Tribunal for Rwanda. We are also pleased that the President will shortly send similar letters to all States Members of the United Nations.

With regard to some of the technical aspects of the report before us, I would like to comment on the following. With regard to witness protection, we are pleased that the Witnesses Unit was finally established on 24 June 1996. Yet it did not exist for two years and many genocide survivors who were key witness were killed during the infiltration campaigns from eastern Zaire by the former genocidal army. As a result, substantive evidence has been erased. We hope that the Witnesses Unit will be effective and that it will also be extended to gender-related crimes like rape, which have been so far not been considered as crimes against humanity.

As for the implementation of the directive for the assignment of defence council, we are pleased that the request we made last year has been followed up. It is indeed of utmost importance that the financial situation of genocide suspects be fully investigated before they are provided with defence counsel, since the key architects of genocide possess tremendous wealth as a result of having completely looted the Rwandan national economy during the genocide crisis.

With regard to the provisional detention of suspects, we are very discouraged by the revisionist attitude that prevailed during the first trials that have taken place. When hearings are constantly postponed, despite the existence of significant evidence against the current suspects detained by the Tribunal at Arusha, one wonders whether this is appropriate.

On the question of the Secretary-General's delegation of authority in recruitment, we regret that delays in recruitment have already affected the start-up

and follow-up phases of the International Tribunal for Rwanda. The Rwandese delegation officially complained about this matter early this year, on 7 May 1996, at the 57th meeting of the Fifth Committee. We wonder, however, why there is still failure to understand how painful it is for us to learn that this problem continues to contribute to further delay in the recruitment of suitable staff. We urge the Secretary-General of the United Nations to grant the Tribunal the power to delegate authority in personnel matters. Such a step would enable the investigative function to be completed rapidly and thereby contribute to a speeding-up of the reconciliation process.

I would like to conclude my statement by putting on record Rwanda's gratitude to the countries that have generously contributed personnel, *matériel* and financial resources to the International Tribunal for Rwanda.

The Acting President (*interpretation from Spanish*): We have heard the last speaker in the debate on this item.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 59?

It was so decided.

The meeting rose at 12.30 p.m.